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# National Municipal Review

## Editorial Comment

### Tell Me Once Again

**T**HE city government of Toledo is sending out questionnaires asking a few "representative" citizens what form of government they want and what system of voting they prefer to use in selecting the city council.

Apparently the city officials are quite hard of hearing. Over and over again the citizens have expressed themselves on both these questions at the polls, where ALL voters, not merely a chosen few of them, could do so.

Here is the record:

In 1934 the council-manager plan, with the council elected by proportional representation, was adopted by a vote of about 33,000 to 28,000.

In 1935, before the plan could go into effect, opponents forced the question to the polls again. It was upheld by a larger margin, 27,000 to 18,000.

In 1937, when the new plan had been on trial for nearly two years, the question of retaining P.R. was placed on the ballot. The people reiterated, 37,000 to 19,000, that they meant what they had said twice before.

P.R. was put to the test once again only last November, when the people voted 38,000 to 21,000 that they wished to continue to elect councilmen by this method.

For the last ten years Toledo's governmental record has been pretty good. There have been difficulties, it is true, and there has been occasion-

al political interference with the normal processes of sound municipal housekeeping; but, all in all, Toledoans have plenty of proof that their system of voting and their basic plan of administrative organization are better than those they used to have and that they tend to curtail the evils of the spoils system and the confusion of disintegrated government.

What the people of Toledo want ought to be clear enough by this time but the mayor apparently isn't convinced. So questionnaires have been sent "to 1,029 registered voters in all of the wards of the city asking for expressions of their views," according to *The Toledo City Journal*. The questions, to be answered "yes" or "no," were:

Do you like the P.R. plan of selecting our city council?

Do you think our mayor and councilmen should be elected on a party ticket like the President and Congress.

Do you think a councilman should be elected from each ward or district instead of at large as now?

Do you think a mayor elected by the people instead of a city manager should run our city?

It might be illuminating to ask a professional public opinion poll organization whether they are "loaded" or leading questions. Does it tend to influence the voter's opinion to say "on a party ticket like the President and Congress?" Or "elected by the people?"

A letter accompanying the ques-



tionnaire explains it is a "poll of representative citizens to find what system of city government is preferred." Who decides that the small list chosen is more "representative" than all the voters whose preferences have been expressed more

often in Toledo than in probably any other city?

The mayor's curiosity is certainly curious. But this is probably just one more indication that the road to good government is filled with barricades.

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## Indirect Consolidation Continues

**T**HERE is so much shallow, unthinking resistance to the physical consolidation of many independent communities into single governments that metropolitan areas are having to turn more and more to consolidation of services and to a broader taxation base, leaving boundaries as they are.

In this issue of the REVIEW there are two significant articles dealing with phases of this problem which, no informed person will deny, is the most serious problem faced today by all the large and even medium-sized cities in the United States.

One article, on page 108, describes the new payroll and profits tax by which Toledo hopes to achieve a healthy financial condition and at the same time get the suburbanites to help support the central city—without which, they may have forgotten, it would be impractical for them to sleep where they do.

The other, on page 111, tells how the numerous communities in sprawling Los Angeles County are consolidating functions.

Years ago cities periodically extended their boundaries as their populations grew. Then came the

automobile and rapid mass transportation which permitted people to leapfrog over stretches of open country and set up self-sufficient residential areas which, requiring minimum services, were cheap to operate and pleasant to live in. When the city spread it bumped abruptly into the unyielding boundaries of separately incorporated communities.

Now the central city, with no place to grow, is losing population. The suburbs are growing. Problems of the core city become more acute and costly. Ability to pay for them declines.

Pressure for a solution of the urban decentralization problem is becoming unbearable. Resistance to city-county consolidation is none too reasonable but firm. Yet, one way or another, it simply cannot be avoided. So, as we do in many other matters, probably we will continue to get consolidation by indirection while kidding ourselves that it isn't so. Then, perhaps, when for all practical purposes the consolidation has been accomplished, the people will see how silly the overlapping governments and duplication of offices are and wipe them out.

# Toledo Adopts Payroll Tax

*One per cent levy on wages and business to bring relief from tax rate limit, annual deficits, chronic refunding.*

By RONALD E. GREGG\*

**E**NACTMENT of a payroll-income tax on January 28, 1946, by the City Council of Toledo ushers in the dawn of a new day for local government in this area—and hope for other metropolitan areas. After fifteen consecutive years of annual deficits and chronic refunding of maturing bonds because of the restrictive effect of Ohio's over-all tax rate limit, this city after careful study decided to emulate Philadelphia.<sup>1</sup> However, where Philadelphia's income tax, enacted in 1940, ran for the first three years at a rate of 1½ per cent per annum, and then was lowered to 1 per cent, the Toledo tax will begin at 1 per cent. Also, Toledo taxes the net income of all business done within the city whereas profits of corporations are not subject to the tax in Philadelphia.

This effort to enter a new field of local taxation: (1) attempts a solution to the poverty of the city, city

schools and the county; (2) places a new claim for taxes upon "day-light" citizens and operating units of non-hometown businesses; (3) introduces a method of paying debts in "good times" that were created in "bad times"; (4) offers a five-year partial pay-as-you-go plan for the acquisition of improvements as a substitute for long-term borrowing; (5) promises relief to those who say real estate cannot carry so much of the tax burden; and finally, (6) proceeds to tax on the basis of constitutional and charter rights without more delay and redistributions of collections inherent in the acts of the state legislature.

Both individual and business earnings are to be taxed. The rate is one per cent. The taxable base for individuals is all wages, salaries, commissions and other earned compensation of city residents, and such amounts as are earned in Toledo by non-residents. In the case of unincorporated business or professional activities, total net profits are taxable, or that part attributed to activities in Toledo by non-residents. As to corporations having an office or place of business in Toledo, that portion of net profits derived "as a result of work done, services performed or rendered and business or other activities conducted in the city of Toledo" is taxable.

A method of segregating net profits taxable by the city is offered where this is not done acceptably by

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<sup>1</sup>Cf. "Philadelphia Tax in Fifth Year," by Robert J. Patterson, the REVIEW, October 1944, pages 452-457.



company books. In essence the formula is determined by taking the average (arithmetic) of three ratios: (a) local real and tangible personal property to total real and tangible property; (b) receipts from sales, services and credits within Toledo to gross sales, services and credits, and (c) personal compensation, except general executive officers, for employees within the city to total personal compensation, except general executive officers. In the event that a just and equitable result is not thereby obtained the Board of Review is authorized to substitute other factors.

A Commission of Taxation is created to administer the tax. It is required to prepare rules and regulations which are subject to approval, modification or amendment by a Board of Review composed of the director of law as chairman, director of finance as secretary, and city auditor.

Several administrative features are borrowed from the federal income tax. Payroll withholding is required where it originates in Toledo. All taxpayers, except those whose entire earned income is subject to the withholding feature, are required to declare anticipated taxable earnings with the privilege of adjusting them quarterly at which times installments must be paid. Monthly settlements are required of the employer covering employee withholdings.

Penalties are provided for non-payment and for revealing confidential information.

Forecasts of annual collections, assuming acceptability of the new tax, range from three and a half to four

and a half million dollars. Real estate collection approximates \$2,220,000 or about half the estimated payroll-income tax.

Estimates of the additional income are admittedly rough guesses for several reasons: (1) Department of Internal Revenue statistics are not available except for the district which includes Lucas County and 24 other counties; (2) wartime levels of employment are compared with the expectations of the local Committee for Economic Development; (3) wage rates are being readjusted upward, nationally; and (4) business net profits attributable to activities within a given city area are nowhere available.

#### How Money Will Be Spent

Most frequently heard question from the man on the street in Toledo is "How will this money be used?" rather than "How much will it cost me?" This is not strange since "It cannot be done because there is no money" has been heard so many times people believe it. Fortunately, there is a broad five-year budget, recently prepared by a citizens' committee and approved by Council and the city manager, which contains some answers.<sup>2</sup> There are six major reasons why the ordinance levies the tax for five years and earmarks income:

1. The sum of \$1,388,543 is to be set aside annually for principal and interest on bonded debt otherwise payable within the tax rate limit. This will eliminate refunding, practiced since 1936 because of property tax limitation laws and

<sup>2</sup>*Report of the Citizens' Finance Committee of the City of Toledo, 1945.*

poor relief burdens, and make possible the collection in five years of sufficient funds to retire this old burden.

2. Up to \$800,000 annually may be appropriated from this revenue source for general fund expenses. Needs include restaffing to the pre-war level to restore or enhance all service programs, increased public health operations, expanded supervised recreation and park activities, reestablishment of forestry protection, and meeting of past or contemplated wage increases.

3. Maintenance of property and replacement of operating equipment is usually a current expense but manpower and material shortages during war years leave a backlog requiring urgent attention. Up to \$250,000 annually is calculated as necessary to restore the property to normal programming within the next five years.

4. Many public improvements may be delayed during the early period of general economic readjustment but the ordinance allocates up to \$550,000 annually for capital improvements. This fund will certainly be inadequate for all city needs. It is a starter, however, that may be increased if collections permit and if the voters approve specific projects.

5. A stabilization fund is created to receive up to \$480,000 annually which approximates the revenue collected by the city from a one mill property tax. When City Council reappropriates from this reserve to meet its operating expense in a subsequent year, it thereby releases a portion of its assigned share of the

ten mill property tax. In that case the millage for schools or county could be increased slightly without exceeding the ten mill Ohio limitation. That is the sole stated purpose of the stabilization fund. There is no legal obligation, however, to prevent its use also as a cushion against declining revenue from this tax.

6. Collections in excess of these allocations may be used to retire debts voted by the electorate and thereby reduce property tax levies.

The state constitution grants Ohio municipalities authority to exercise all powers of local self-government and this authority is interpreted to be self-executing in the sense that no legislative action is necessary to make it available to the municipality. The constitution also permits the taxation of income although the state does not levy such a tax. Since no statute now exists limiting the power of an Ohio municipality to levy a payroll-income tax, the presumption is that a municipality may enter the field. Nevertheless, the new tax may be subject to court attack.

#### **Referendum Threatened**

Use of the payroll-income tax is still subject to attack. Leaders of two labor unions (CIO and MESA) opposed passage of the tax but the third (AFL) approved. CIO, through its Political Action Committee, is circulating referendum petitions to require voter approval or disapproval at a special election.

Such petitions, according to the Toledo charter, require valid signatures totaling "15 per cent of the

(Continued on page 120)



# Neighboring Areas Join Hands

*Los Angeles County and its communities seek to solve area problems by contracts and agreements for local services.*

By JUDITH NORVELL JAMISON\*

**M**ETROPOLITAN government is modern, about 80 years old in the United States. Growth of population and transportation has fused previously isolated communities to form metropolitan areas. Various methods have been developed to solve the resulting problems of overlapping jurisdiction. London and New York use the borough system; San Francisco and Denver, city-county consolidation; Los Angeles tried annexation, special districts and authorities, wrote the borough system into her charter, has talked of city-county consolidation, separation, and federation.

In the Los Angeles area none of these methods has been accepted as a solution. Annexation to or consolidation with Los Angeles is no longer attractive to the smaller cities, some of which consolidated with the belief that the borough provisions of the charter would be applied. They are disappointed and disgruntled. The intense annexation period, which

lasted from 1922 to 1926 with its peak in 1923, frightened many of the communities so much that when a Los Angeles county supervisor so much as suggested the words "borough system" for this area last year, he rekindled old flames.

There are experimental tools of integration in this area, however, contracts and agreements between governing bodies for services. The contract principle is not unique in the Los Angeles region but the importance of these agreements to the science of public administration lies in the variety of uses and the great number of them, some 200 in ten major functions.

Informal devices of cooperation are widely used and, dating from 1891, the constitutional, statutory and charter bases in Los Angeles County have been broad for joint enterprise of every degree from strict statutory consolidation of function, to voluntary contracts, to "gentlemen's agreements." The enabling legislation is necessary because of the California constitutional prohibition of gifts of public funds and services by public officials even if that gift is to another political jurisdiction and for a purpose devoted to the general welfare of all the citizenry in all the jurisdictions concerned.

Listed briefly are the dates of the first specific enabling legislation in certain functions in which cooperation flourishes: water sale, 1903; streets and highways, 1907; recrea-

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tion, 1909; sewage disposal, 1909; public utilities, 1911; library services, 1911; health, 1919; fire protection, 1919; Metropolitan Water District, 1927; public personnel, 1935; State Employees' Retirement System, 1939.

Miscellaneous possibilities for co-operation not exploited to any appreciable degree, if at all, in this area are: conduit lines, 1915; rock quarries and cement plants, 1921; municipal port district with special provisions for federal construction, 1925; State Board of Agriculture services, 1935; housing authority coordination activities, 1938; state legislative counsel codifying services, 1939; joint airports, 1939.

Two of the few administrative functions in which the county has complete jurisdiction by means of practical consolidation are those of the Los Angeles County Department of Weights and Measures and the Department of Charities.

There are several cases in which consolidation of city functions in the hands of the county officials is virtually complete but wholly on a voluntary basis. The cities may maintain their independent departments for the performance of these functions if they so determine. These functions are consolidated by means of passing a resolution or ordinance agreeing that the county perform the services. These functions are:

(1) *Tax Assessment and Collection.* Only five of the 45 cities in Los Angeles County operate independently—Pasadena, Long Beach, Arcadia, Azusa and Whittier. The present basic law passed in 1895 governs this procedure as well as charges made.

The assessment made by the county assessor is used as the basis for levying municipal taxes as provided in the law. This provision is the root of what little criticism there is concerning these services.

The five cities mentioned above maintain their own assessor and tax collector because they feel their revenue would not be sufficient to carry on if the county did the work for them because of the city tax rate limits.

### Cooperation for Health

#### (2) *Public Health Administration.*

Of the 45 cities the only five operating independently are Pasadena, Beverly Hills, Long Beach, Los Angeles and Vernon. The year 1919 saw the start of contract services to cities for health administration. Prior to 1935-1936 charges were made without reference to a uniform schedule which resulted in certain inequalities. An amendment to the Political Code in 1935 changed this situation. The county health officer, with the permission of the city by resolution, must enforce all State Board of Health rules and regulations without charge. The reasoning behind this legislation was based upon the fact that the County Health Department is supported from moneys in the county general fund for which all residents of cities are taxed as well as residents of the county. This fact influences the decisions of the Board of Supervisors concerning many functions performed by the county for the cities.

There are also 38 of the 40 cities under county agreements which have special supplemental contracts for the enforcement of local ordinances, food



inspection and/or rodent control services.

(3) *Library Services.* Twenty of the 45 cities and 83 of the 113 school districts contract to have the county librarian administer their libraries. In lieu of administering their own departments, as required by the 1911 library act, the cities turn their special library tax powers over to the county. Four cities, Alhambra, Glendale, Santa Monica and South Pasadena, and Los Angeles County have special exchange agreements with Los Angeles for library services.

Comparatively new and little used staff functions under contract are promising for the future in the fields of building inspection, public planning and public personnel administration.

The one particular field in the use of contracts in which Los Angeles City predominates, rather than Los Angeles County, is for the use of sewage disposal outlets. Only in this group are there contracts with no termination clause.

Outstanding are certain verbal agreements in the field of police administration and fire protection, and some joint ventures such as the Los Angeles Memorial Coliseum, 1921; Los Angeles Metropolitan Water District, 1927; major disaster plans, 1933; mutual aid fire plan, 1941; Los Angeles City-County use of radio broadcasting frequencies, 1941; and milk inspection cooperation, 1942.

The contracts themselves vary widely as to degree of detail, length of duration, and method of cost determination which may be prescribed on the basis of such factors as meter flow; volume of money handled;

men, equipment, time and mileage; proportionate areas served.

#### **Metropolitan Confusion**

This brief sketch is necessarily an over-simplification of a very complicated problem. Most citizens are confused about government in this area but they don't know why they are confused. Public administrators are confused but they do know they are confused! There are about 450 separate political subdivisions operating in this one metropolitan region. Even at that the Los Angeles region differs from others throughout the nation in having less complications than it could have because here just one state and virtually one county is involved. Also, the county government is larger than the government of the major central city and may, therefore, assume much leadership in the integration of the various processes of government.

Although the larger jurisdictions do contract with one another for services and for the joint operation of certain projects, the great development has been recorded in the provision of services by the larger, more adequately staffed, better experienced administrative offices (particularly Los Angeles County) to smaller jurisdictions (some 40 of less than 50,000 population) which are handicapped by lack of finances and facilities.

Periods of socio-political crisis see the flourishing of various types of cooperation. The 1935 legislature put through many measures of enabling legislation for cooperation. During the wartime stresses and strains cooperation was broadly used, especially in emergency functions like police

and fire protection. Manpower was pooled and joint civil service procedures installed in order to keep the vital parts of municipal machinery running in the face of the drafting of firemen, policemen, health inspectors and engineers.

### New Developments

Now we seem to be facing a new wave of joint governmental projects. In 1945 four unprecedented arrangements were made. By voluntary contract Los Angeles City and County have joined together in the creation of the Civic Center Authority. It does not have any of the rigid aspects of the familiar "authority" set up by special legislation. It is not another separate governmental subdivision to be added to the 450 mentioned above.

Another contract has been entered into by the city of Redondo Beach, the State Department of Public Works and the county for the restoration and protection of the seriously eroded shoreline of the small city of Redondo Beach, whose problem has thus been recognized as regional in scope.

The third agreement for reciprocity of services is the exchange arrangement set up by the Los Angeles City and County Libraries which waives residence requirements for registration of the citizens of the

two departments at no charge to either.

A new form of contract has been developed by the county for helping the smaller cities, that involving the services of three departments instead of the usual one department—the Los Angeles County Regional Planning Commission, Los Angeles County surveyor and Los Angeles County engineer—for the complete processing of a general recreation area. Three of these arrangements, it should be emphasized, involve the so-called larger jurisdictions of this area in reciprocal agreements. The other represents a great potential expansion of services by the larger agency to the smaller.

While there have been periods of lull in intergovernmental arrangements in this area, there has never been any mass withdrawal or retrenchment, and we seem to be facing a future of greatly expanded contract services and reciprocal agreements.

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ACKNOWLEDGMENT. — The Bureau of Governmental Research of the University of California, Los Angeles, under Dr. Frank M. Stewart, director, has devoted eight years to recording the governmental consolidation, integration and cooperation phenomena of the Los Angeles metropolitan area. This article summarizes and brings up to date material from the fourth in a series of eight studies in local government, *Intergovernmental Cooperation in the Los Angeles Area*, by Ronald M. Ketcham, December 1940.



# Minnesota Farmers Rule Cities

*Reapportionment of 1913 still stands despite population growth of urban districts; Supreme Court refuses to act.*

By LOUIS C. DORWEILER, JR.\*

MINNESOTA has faced a serious legislative apportionment problem for over three decades. The last reapportionment was enacted by the 1913 legislature based on the 1910 census. Since that time the population has increased 716,592, or 34.5 per cent, and this increase did not follow any uniform pattern from county to county. As a result few citizens contend that equal representation prevails in the legislative body of Minnesota today.

The legislature is accountable for this situation for, like the legislatures of 38 other states, it has full responsibility for legislative apportionment. The constitution calls for redistricting of legislative districts after every federal census so as to recognize the shifts in population and the varying rates of population growth in different sections of the state. It is difficult to understand why our forefathers ever assumed that a legislative body would redistrict itself on any fair basis.

The Minnesota constitution is

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silent in respect to geographic units of representation. For expediency in the operation of the election machinery, the legislature, with one exception, confines legislative districts to county lines. Legislative districts, or a district, are wholly within one county or the district may be bounded by the boundaries of two or more counties. Senatorial districts, with the exception of large urban counties, usually include two counties and in some instances three. There is usually one house representative in every county except the large urban ones. In three instances districts made up of two counties elect three representatives. In two instances districts made up of two counties elect two representatives and in one instance a one-county district elects four. Even in the large urban areas county lines are maintained. Such counties are allotted a number of representatives and district lines are set up within the county.

Population changes by counties between 1910 and 1940 are revealing. Changes ranged from a decrease of 13.2 per cent to an increase of 163.3 per cent. Five counties recorded decreases while increases are shown in the other 82. Of those recording increases, three were in excess of 100 per cent and in ten the increase was 50 to 100 per cent.

Perfect exactness in legislative apportionment is impossible where county boundary lines are adhered to, but there should be a close ap-

proximation to the ideal. Based on the present membership of the legislature and the 1940 census there should be one representative for each 21,315 inhabitants. An analysis of the present legislative districts reveals that the population per representative district varies from 7,254 to 128,501. In this particular case the larger district is accorded two representatives while the smaller has only one. In other words, the constituents per representative vary from 7,254 to 64,250. Based on the ideal of 21,315 persons per representative 38 districts are under-represented, ranging from three-tenths of a per cent to 201.4 per cent. The other 65 districts are over-represented by from  $\frac{1}{2}$  of one per cent to 66 per cent.

Ideally, there should be one senator for each 41,676 inhabitants but at present the number of inhabitants per senator range from 17,653 to 128,501. Twenty-four senatorial districts are under-represented by percentages ranging from  $\frac{8}{10}$  of 1 per cent to 208.3 per cent; over-representation in the remaining 43 senatorial districts ranges from  $\frac{1}{2}$  of 1 per cent to 57.6 per cent.

The federal census defines "urban" as a unit having 2,500 or more inhabitants. Under this definition there was almost an even balance between rural and urban population in 1940—50.2 per cent rural and 49.8 per cent urban. There are nine counties that are dominated by urban population. These have 45.4 per cent of the state's population but in their representation in the legislature they have only 37.3 per cent of the senators and 34.4 per cent of

the representatives. With the exception of two counties where there is an even division between urban and rural population, the remaining 76 counties are predominantly rural.

It is difficult to consider the case of city representation alone since the present apportionment follows county boundaries, thus combining rural and city areas. Hennepin and Ramsey Counties, which are the respective locations of Minneapolis and St. Paul, though with some rural areas are predominantly urban in character since their suburbs have, generally, the same interests as the cities. These two counties have 31.5 per cent of the state's population but are apportioned only 22.3 per cent of the senators and 22.9 per cent of the representatives. For equal representation on a population basis they would be entitled to ten more representatives and five more senators.

The city of Duluth, the other first class city in Minnesota, lies in three legislative districts, each of which contains a large rural area, making it unsuitable as an example of city discrimination.

One legislative district in Minneapolis has a larger population than the six smallest districts in the state. Its citizens are represented by one senator and two representatives while the citizens of the six smallest districts are represented by six senators and seven representatives.

Generally, the more populated and urban areas of the state are under-represented in the House of Representatives. In the Senate, Hennepin and Ramsey Counties are grossly under-represented but, strangely enough, under-representation prevails



generally in the northern part of the state which is the sparsely settled section of the state.

Such drastic inequalities as have been cited call for a new plan of apportionment if legislative representation is to be on an equitable basis. Equality of representation in the law-making, taxing and spending bodies of government is a desirable requisite of free government.

#### The Easy Way

From the information that is available it appears that the legislature, in enacting seven apportionments in past years, disturbed relatively few existing districts. It chose the easy way out by expanding the size of the legislature to take care of growing districts which were entitled to additional representation. In other words, the legislative bodies refused to face the problems arising from changing district boundary lines. The following tabulation showing the date of apportionment, total membership of the legislature and membership of the House of Representatives and the Senate bears out this fact.

#### Membership

Date	Legislature	House	Senate
1860	63	42	21
1866	69	47	22
1871	147	106	41
1881	150	103	47
1889	168	114	54
1897	182	119	63
1913	198	131	67

There is no practical constitutional restriction preventing the legislature from again increasing the size of the representative body.<sup>1</sup>

<sup>1</sup>Article IV, section 2, of the constitution provides that the Senate shall never exceed one member for every 5000 in-

Incidentally, as a result of this past policy, Minnesota's Senate of 67 members is the largest in the United States. Only fourteen states have a larger House of Representatives or Assembly than Minnesota's 131 members. When the legislature as a whole is considered only eight states have a larger legislative body. Neither Minnesota's area nor population can justify such a large body for it ranks (low to high) 36th in area and 31st in population. It will be difficult to justify any action that will increase further the size of the legislature.

It might be added that further expansion of the size of the legislature is limited by the fact that it would be difficult to accommodate, comfortably, additional senators and representatives in their respective chambers.

The question can be asked, "Why in recent years has the legislature failed to perform its sworn duty?" A number of reasons are apparent.

1. The Minnesota legislature, like other legislatures, is not prone to disturb itself. Self-preservation is a major watchword. This is especially true in Minnesota for the reasons set forth under point two below.

Individual legislators cannot overlook the fact that reapportionment, following extreme shifts in population, may affect adversely their interests. A legislator might find it necessary to campaign in a much larger territory. In some instances two veteran members might be forced to contest against each other.

habitants and the House of Representatives one member for every 2000 inhabitants.

For these purely selfish reasons individual legislators are reluctant to vote for any plan of redistricting.

#### Lacks Party Responsibility

2. Another major reason for failure to reapportion is the fact that there is no party responsibility in the Minnesota legislature. Members are elected without party designation whereas state officials—the governor, lieutenant governor, auditor, treasurer, attorney general, railroad and warehouse commissioners—congressmen and U. S. senators are elected with party designation. In such a situation, party commitments for reapportionment that will be binding upon the legislature are impossible.

The legislative bodies in Minnesota organize into two groups, generally termed the majority and minority. Such organization does not follow party lines as each group may contain Republicans, Democrats and Farmer Laborites. Caucuses of the respective bodies of the legislature take place just prior to the session when informal organization is completed. Following formal organization, voting does not necessarily follow the program of the pre-session plan of organization. Without effective control, neither group is likely to assume responsibility for any plan of reapportionment.

The dominant and controlling political group in a legislative body is opposed to any plan of redistricting that would in any way jeopardize its control. If reapportionment is attempted the majority group is more likely to fix boundary lines so that it gains an advantage. This action is well known as "gerrymandering." For similar reasons minori-

ty groups, on the other hand, are fearful that their interests will not be considered.

3. Reapportionment may result in a shift in control from one section of the state to another—agricultural to industrial. The rural-urban issue is, undoubtedly, the most important in Minnesota. Such a shift affects such vital matters as tax burdens on communities or the geographic distribution of public expenditures. The latter is especially important in Minnesota for, in 1944, 45 per cent of state expenditures were for state aids to local governmental units and the cities at the past two legislative sessions have spearheaded unsuccessful movements to secure a larger portion of state-collected revenues.

Some rural members frankly justify the existing setup by pointing out that urban members tend to represent the radical elements in the cities. They view with alarm the growing radical movement in cities throughout the country. Further, many conservative resident citizens of cities also fear this radical trend and are willing to waive their rights as to equal representation.

4. While county lines are followed throughout the state, thus limiting gerrymandering to some extent, in the multi-member urban counties the problem of splitting the county into districts opens the door to all sorts of political, economic, racial, party and other pressure groups. As a result individual legislative members from Minneapolis, St. Paul and Duluth are not eager for reapportionment since they do not know just how they will fare in the final result.



Last summer, in an effort to force reapportionment, a citizen of Minneapolis brought suit against the Secretary of State,<sup>2</sup> to ask the court to declare the 1913 reapportionment act unconstitutional by reason of unequal representation resulting from varying population growth.

It was contended that if this action succeeded members of the legislature would be forced to run at large. As a result, it was anticipated that a special session of the legislature would be called immediately for the purpose of enacting a new reapportionment law.

#### Court Refuses Help

This citizen action placed the Supreme Court in the uncomfortable position of being asked to declare an act unconstitutional which in 1913 was held to be constitutional.<sup>3</sup> The plaintiff contended that drastic shifts in population had, in effect, made the act unconstitutional today. The plaintiff also cited cases in which laws activating the police power of government had been held to have become unconstitutional as confiscatory or discriminating when applied to circumstances radically changed since enactment.

The court, however, refused to review its 1913 action and held that the division of powers—executive, legislative and judicial—is a fundamental principle upon which American constitutional government is based; that under Minnesota's constitution the redistricting power is placed wholly in the legislative body and, until the legislature passes an-

other reapportionment act, the present one continues in force. The court pointed out that the only time it could upset a legislative redistricting act would be at the time of enactment of a new reapportionment law when there was a manifest violation of the constitutional directive as to equal representation based on population.

It can be anticipated that succeeding legislatures will be as reluctant to disturb their existing organization as have those of the past. It would thus appear that permanent solution to the reapportionment problem in Minnesota lies in a change in the constitution which will provide machinery, other than the legislature itself, to carry out this task of reapportionment. This can be accomplished by an amendment to the constitution enacted by the legislature and approved by the voters or a constitutional convention called by the legislature to revise the original document.

If legislators will not provide for a fair reapportionment, however, they are not likely to approve a constitutional amendment or take any steps to call a constitutional convention which would place this reapportionment power in other hands.

The recent Supreme Court decision throws another obstacle in the path of reapportionment. The 1913 reapportionment can stand for all time since the Supreme Court has approved it and refused to re-open the question last fall. If the 1947 legislature or any succeeding legislature, however, passes a new reapportionment act, then urban interests which might be adversely

<sup>2</sup>*Smith v. Holm*, 19 N. W., 2nd, 914.

<sup>3</sup>*State ex. rel. Meighen v. Weatherville*, 125 Minn. 336, 147 N. W. 105.

affected could bring the new act to the attention of the court. If the new act gave only minor relief to the cities, then the court would be forced to declare the act unconstitutional. All legislators would then be forced to run at large from the entire state. A special session of the legislature would, no doubt, be called to enact a fairer bill.

In any event, rural interests would be certain to lose if a new reapportionment law is enacted. This being true, rural groups will more likely stand on the 1913 apportionment plan now on the statute books.

There appears to be no legal method to compel the legislature to carry out its sworn duty under the constitution in Minnesota. Thus, it appears that reapportionment must wait until enough citizens can bring sufficient pressure on the legislature to force the enactment of an equitable apportionment law. Fortunately, there is some evidence that this demand is now being made and that legislative leaders are recognizing the situation.

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#### TOLEDO ADOPTS PAYROLL TAX

(Continued from page 110)

total number of ballots cast for councilmen," or 10,660 in this case. The union is so organized that there is little doubt of its ability to obtain necessary signatures within the 30-day period allowed by law.

A special election before sufficient time has elapsed to collect the tax

and give voters a taste of promised increased services and public facilities, if it occurs, will be an extreme handicap to proponents of this fiscal relief measure.

Waiting for significant additional financial relief for urban communities from the state is an old and familiar experience that reveals more local patience than state assistance. Experience with state methods of redistribution of such aid as has come demonstrates many alleged inequities and failures to place the money where needed most. For example, sales tax collections in Lucas County approximated \$4,000,000 last year, of which \$3,000,000 was returned to local governments in this area. Twelve urban counties in the state received less than the amount collected in their respective areas and 66 received more. Also, a basis for inequitable distribution already exists in the Ohio constitution, which states that "not less than 50 per centum of the income [tax] . . . that may be collected by the state shall be returned" to the area where it originated. Therefore both state and local officials see possibilities of a happy solution in the local payroll-income tax that may avert for years many problems, including enactment of a state income tax.

Early inquiries show much widespread interest by tax authorities, state and local officials and citizen groups. Progress of the payroll-income tax is assured much attention from many with varying interests.



# Home Rule Doors Wide Open

*Manager plan charters gain adherents among Texas cities but counties lag as state looks back on its first century.*

By WILFRED D. WEBB\*

AS THE year 1945 closed and the new year opened, Texas achieved a century of statehood. On December 29, 1845, President Polk signed the act that made Texas a state in the American union and on February 19, 1846, the president of the republic of Texas relinquished executive authority to the governor of the state of Texas.

Prior to 1836 there were no counties or incorporated cities in the Texas area of the kind we have today. The Spanish municipality included not only one or more settlements but also large areas of surrounding territory and under Mexican rule the organization of local government remained much as it had under Spain.

With the advent of the republic of Texas in 1836 the municipalities were converted into counties and the settlements began to be incorporated. This two-unit system of local government represented the ideas of the American colonists in Texas, particularly those from the South Atlantic states.

The numerical increase of counties

and incorporated municipalities has extended into our own times. When Texas entered the union in 1845 there were 36 organized counties and 54 incorporated cities; by 1900 the number had increased to 224 and 196, respectively; and at present there are 254 counties and 664 active municipal corporations. The last county to be organized was Loving, in 1931.

The present system of school districts began to take shape about 1884. The administration of the system is primarily local and is based, for the most part, upon common and independent school districts. During the school year 1943-44 there were 4,841 common districts and 1,007 independent districts.<sup>1</sup> The trend for the past 30 or more years has been toward fewer common districts and more independent districts; the total number, however, has tended to decrease. The other special districts now in existence, some 300, have been created since 1900.

An important factor in the development and present condition of these units of local government has been the growth and movement of population. The occupation of the western portion of the state, the large growth in state population, and the acceleration in the urban trend have taken place largely during this century. The movement city-ward

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<sup>1</sup>Thirty-third Biennial Report of the State Department of Education, Austin, Texas, 1944, pages 97-121, 164-169.

was speeded during the war years, and many of the counties in East, Central, and North Texas (excepting the Panhandle) lost heavily in population. Needless to say, the entire fabric of local government has been affected by these shifts.

#### Legal Standards

The basic legal standards of local government in Texas, as in other states, have been laid down in the state constitution and statutes. In general, the constitutional provisions for county organization and government have become more numerous with each succeeding constitution. The constitution now in effect, adopted in 1876, contains provisions regarding the creation, governmental structure and powers of counties. As a result the legislature has no power to alter the system of county government in any fundamental way.

The present constitution does not deal at length with municipal affairs. Several of the provisions are, of course, quite important. Among them may be mentioned the home rule provision, restriction of special legislation, the setting of maximum limits for property taxation by municipalities, and the limitation of urban-county representation in the lower house of the legislature.<sup>2</sup> For the most part, however, the details of organization and powers of the general law cities, and to a lesser extent of home rule cities, are to be found in the statutes. This body of law has developed in piecemeal fashion over the years, and it is now an ill-ordered statement of municipal

powers, obligations and limitations.

Two constitutional amendments adopted in 1944 increased the powers and freedom of both county and city governments.<sup>3</sup> One of these amendments authorized municipalities to establish retirement systems; in addition the legislature was empowered to establish a statewide retirement system for municipal appointive officers and employees. The second amendment authorized the county commissioners' court to reallocate the items composing the over-all tax limit of 80 cents among the various funds, upon the approval of a majority of the taxing-payer voters.

#### Forms of Government

It will be recalled that the organization of the early Texas county represented largely the ideas of the American colonists from the southern part of the United States. The chief governing body was then, and has been since, a board. The commissioners' court, as the county board is now named, is composed of the county judge as presiding officer and four commissioners elected from precincts. All are elected for terms of two years.

In addition to the county board the governmental organization has traditionally consisted of a number of elective county officers plus, at times, a few appointive ones. The present system is, therefore, characterized by the separate election of the major administrative officers and the absence of an executive head. Each of the 254 counties has the same basic governmental pattern and the significant deviations are few. Perhaps the most important is the

<sup>2</sup>See "Texas Apportionment Problem," by Stuart A. MacCorkle, the REVIEW, December 1945.

<sup>3</sup>*Texas Constitution*, article III, sections 51-e, 51-f; article VIII, section 9.



appointive office of county auditor, which has been created in 116 counties. The major duty of this officer is to exercise general oversight of the financial books and records of the county. A county library is maintained by 31 counties and there are three city-county libraries. Twenty-three counties operate hospitals and there are 12 city-county hospitals.<sup>4</sup>

The Texas cities of the nineteenth century were governed under the mayor-council form of government, more akin to the weak mayor form than to the strong mayor type. During the last few decades of the century the tendency was to strengthen the mayor's position, especially in legislative matters. Even at present the mayor of the general law city is not a particularly strong executive.

Since 1900 both the commission and council-manager forms of government have invaded the once solid ranks of mayor-council cities. Of the 664 active incorporated places in existence, more than 400 have the mayor-council form of government, some 200 have the commission form, and 52 have the council-manager plan. Ninety-two of the incorporated cities have adopted home rule charters. Forty-three of these have the manager form of government, 31 have the commission form, and 18 have the mayor-council form.<sup>5</sup>

There appears to be an increase of interest in the council-manager form. Fourteen cities have adopted the plan

since 1940 and six of these were effected in 1945. Before 1943 there was no explicit provision in the statutes for the adoption of council-manager government by cities operating under the general law (those under 5,000 population). In a number of instances, however, general law cities adopted the manager form by ordinance. The legislature in 1943 provided that any city, town or village incorporated under the general laws and having a population of less than 5,000 could adopt the council-manager form of government by vote of the local electorate. Since cities with a population exceeding 5,000 have home rule, the manager plan is now available to all incorporated communities in the state.

#### Home Rule

In the preceding discussion it was pointed out that except for a few variations, minor in nature, each of the 254 counties has the same governmental organization. In order to permit individual county relief from this standard strait-jacket, a county home rule amendment was added to the constitution in 1933. The amendment is long and detailed, and it is not feasible to summarize it here. The most important efforts to write and adopt county charters came within a few years after the adoption of the amendment.

Only the county of El Paso, however, proceeded to the point of drafting a charter, and its adoption was blocked by an adverse vote in the unincorporated area of the county. There has been some talk, particularly in San Antonio, of action under the amendment, but no strong movement has developed in recent years.

<sup>4</sup>These figures are based upon information collected in May 1945 by Dr. Dick Smith for reply to a Bureau of the Census questionnaire on Texas counties.

<sup>5</sup>These figures based upon information secured from the League of Texas Municipalities.

"In short, county home rule appeared much more attractive in Texas in the anticipation than in the realization."<sup>6</sup>

The municipal home rule provision of the constitution was added in 1912. Under this amendment cities with populations exceeding 5,000 may write their own charters, subject to the constitution and general laws. Despite the fact that legislative intervention and judicial decisions favorable to such legislative action have raised some doubts about the value of home rule, the home rule procedure has permitted more latitude with respect to both powers and forms of government than have the general laws. Home rule charters have been widely used by Texas cities. On the basis of the 1940 federal census, there are 102 cities in the state with more than 5,000 population. All but 23 of these have adopted home rule charters; and the trend of adoptions in recent years favors the gradual reduction of this number.

#### Administrative Standards

The governmental theory and organization of the Texas county does not encourage improvement of administrative practices. In spite of the handicaps, however, several of the county governments have managed to rise above the general level of performance and give the citizens a fair return on their tax money. Unfortunately, improvements made in one county are transmitted haltingly, if at all, throughout the entire system. The merit system of personnel

administration has made absolutely no headway in county government. An attempt in 1929 to install a civil service commission in Tarrant County and to provide indefinite tenure for appointive officials was held to violate the constitutional specification that "the duration of all offices not fixed by this constitution shall never exceed two years."<sup>7</sup>

There has been in recent decades improvement in city administration throughout the state. Many cities have expanded and made better their services in response to the pressures of urban life. Considerable attention has been given to problems of organization, as well as to the form of government in general. The importance of planning community development has been recognized in numerous cities. On the other hand, the improvement of financial administration has progressed none too rapidly, and only a few cities have established comprehensive merit systems. Fortunately, there are signs of increasing interest in the personnel and financial aspects of city administration.

#### State-Local Relations

Although the people have made some provision for local government in the constitution, the legislature has been an important channel for the flow of state directives and authorizations to the local units. Unfortunately the legislature has taken only too rarely a broad view of local governmental problems. The results of piecemeal consideration of local problems are readily apparent. Municipal statutory law is today a maze

<sup>6</sup>Roscoe C. Martin, "The County Home Rule Movement in Texas," *The Southwestern Social Science Quarterly*, March 1935, page 6.

<sup>7</sup>See *Donges v. Beall*, 41 S. W. (2d) 531 (Tex. Civ. App. 1931).



through which only the most expert can chart a reasonably accurate course. The legislature has given little attention to the reporting of local government statistics. As a consequence any interested person must painstakingly collect his facts from the individual units and from the reports and files of numerous state agencies. The need for a general overhauling of the state-local financial structure is fairly apparent; yet the legislature has shown no pronounced interest in a broad and searching inquiry into the facts. The local revenue system, shackled to the past, is patched up from time to time in response to particular pressures.

These few examples do not, of course, convict the legislature of any evil design toward local government. The individual legislator would no doubt express a great interest in the efficient functioning of both rural and urban local government. Nevertheless, it seems apparent that the legislature has no active interest in systematic change. It will approve an order to fill some of the holes in the roadway, but it will not consider the desirability of resurfacing. In this connection it is worth noting that there has been no apportionment of representation in the legislature since 1921. The state was definitely rural in 1921, but since then there has been a progressive subordination of rural culture to urban domination. The composition of the legislature does not reflect this trend.<sup>8</sup>

In general, the state-local administrative relationship has been characterized by: (1) state agency relations with individual local officers, (2) a large group of nonprofessionalized personnel at both levels, (3) a legal basis which "just grew," and (4) a spirit of separatism which makes for a cleavage between state and local levels and between units and agencies at the same level.

The traditional emphasis upon state control of local government by constitutional, legislative and judicial methods has produced a system of state-local relationships which is wooden and rigid. At the same time the slowness of the state to put its own administrative affairs in order has held out little promise for the development of satisfactory administrative relationships.

#### Conclusion

No public or private organization or individual has recently undertaken to evaluate the adequacy of the Texas system of local government. It is clear enough, however, that the system is none too well adapted to modern requirements. Yet the inadequacies of the system are not so obvious or pernicious in their effects as to give rise to a widespread public demand for reorganization. In Texas, as in other states, the units of local government are imbedded in the laws and in the public mind. Change there is and has been—at times so slow as to be almost imperceptible — but areas, forms of government and functions are not likely to be greatly altered overnight.

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<sup>8</sup>See MacCorkle, *op. cit.*

# News in Review

## City, State and Nation

*Edited by H. M. Olmsted*

### State and Local Planning Continues

#### ***Extensive Public Works Programs Ready for Action***

**A**LTHOUGH involuntary idleness has not developed as rapidly and widely since V-J Day as had been feared, governmental preparations to meet such a contingency and other phases of possible postwar depression have carried on from 1945. The American Society of Planning Officials reports a strong trend not only for state aid to local planning but also for state participation in local public works and economic development programs. Intrastate regional planning made notable progress last year.

Assistance to local planning necessitated during the war by the shortage of planning personnel has become an important activity of several state planning agencies, including Tennessee, Alabama, Wisconsin, Virginia, Rhode Island, Michigan and New York. The states which have provided direct financial assistance to local public works programs are New York, Michigan, California, New Jersey, Maryland, Illinois and Pennsylvania. Many others, such as Arkansas, Georgia and Louisiana, give staff assistance to the preparation of city and county capital improvement programs.

Every state has set up some kind of agency to devise solutions for one or more of the many reconversion planning problems.<sup>1</sup> The society reports 74 postwar state organizations in planning and development work. Of

this number 28 are established planning boards or commissions or more recent creations in the same pattern. The rest are agricultural, economic, resources, development and other agencies, some of them planning divisions.

Among metropolitan cities which did outstanding planning during 1945 are Cincinnati, Louisville, Philadelphia and San Francisco. The Cincinnati program entered its second year with a "generalized master plan" for the entire region. Louisville's metropolitan plans have been materially advanced this year also with the joint effort of the Louisville-Jefferson County Planning and Zoning Commission and the Louisville Area Development Association. The Philadelphia Planning Commission recently was given a large new appropriation in order to carry on its studies. San Francisco completed master plan studies for consideration by the Board of Supervisors.

With the master plan for Dallas nearing final form, the public gave its approval to a \$40,000,000 bond issue to carry out some of the recommendations for public improvements. The Allegheny Conference on Community Development concerns itself with broad social and economic problems in the Pittsburgh region. In Cleveland and Cuyahoga County studies of various aspects of metropolitan development are under way.

Over 600 public works projects will be started by 369 small cities in the country this year whenever both labor and materials are available, according to the International City Managers' Association, which has made a survey of 962 cities between 5,000 and 10,000 population concerning their plans for public works projects and the methods of financing them. Reports were obtained from 779 cities. Of the number reporting nearly half, or 369, indicated they will begin construction on new

<sup>1</sup>See the REVIEW, November 1945, page 507.



municipal facilities or building during 1946 if labor and materials can be obtained.

Of the remaining cities reporting, 309 stated that they are not undertaking any public works projects this year, 59 reported that they are uncertain, and 42 did not reply to the question concerning their plans for public works.

The cities canvassed will finance more public works improvements from cash reserves than from any other single revenue source during 1946, with general bonds and revenue bonds second and third respectively as methods of financing, the association reports.

### ***Council-Manager Plan Developments***

Two cities adopted the council-manager plan in January. **Chickasha, Oklahoma**, did so by popular vote of 1,340 to 728; the plan there is to go into effect on March 11. On January 15 the plan was provided in **Cocoa, Florida**, by ordinance.

Legislation to enable **Massachusetts** towns to adopt a town manager form of government has been introduced in the legislature of that state by Speaker Frederick B. Willis, who had previously presented a bill to permit the voters of **Boston** to pass upon the manager plan for that city.<sup>1</sup> Four Massachusetts towns now have managers, with varying degrees of power, under special acts of the legislature. The Willis proposal provides that the board of selectmen in any town adopting the plan would appoint the manager, for a five-year term; the manager would make various other appointments.

The proposal has aroused vigorous opposition from many town officials, headed by Arthur J. Shinnors, town clerk of Brookline and president of the Massachusetts Town Clerks Association,

who has denounced it, even as permissive legislation, as being undemocratic. He asserted that such a type of government would not be as close to the people as the traditional New England town government whereunder all officials are elected by the people. It is reported that the officials of 217 out of 312 towns in the state have indicated opposition. (See also page 142 of this issue).

**Lebanon, New Hampshire**, will vote on adoption of the town manager plan at the next town meeting. The moderator at the last town meeting was authorized to appoint a committee of five to study the plan; and the committee, after frequent meetings and careful consideration, decided in favor of the idea. New Hampshire has no towns or cities with the manager plan, although there are many in the adjoining states. The plan has also been under discussion recently in the town of **Claremont, New Hampshire**, which has over 12,000 inhabitants. Dr. Dayton D. McKean of Dartmouth at a public forum on January 23 expressed doubt of the appropriateness of town meeting government in towns of over 5,000 population, although working well in small towns with simpler administrative problems.

On January 25 the citizens committee appointed by the City Council of **Mullens, West Virginia**, to inquire into the necessity for charter revision made a report recommending complete revision, the adoption of a home rule charter under West Virginia law, and the adoption of the council-manager plan. According to Arthur R. Kingdon, committee vice-chairman, the Council is expected to order a special election in June to determine whether the citizens desire a change.

The first recommendation of Mayor Marshall M. DeWitt to the new City Council of **Delray Beach, Florida**, in

<sup>1</sup>The REVIEW, December 1945, page 568.

January, was that the city had grown to a size where a city manager is needed.

The village of **Beachwood, Ohio**, near Cleveland, is considering adoption of the manager plan and is studying it as typified in various nearby communities, according to Mayor J. B. Mulaney.

At a meeting of the **Minneapolis, Minnesota**, Charter Commission on February 7, Harold L. Henderson, director of the Minnesota Institute of Governmental Research (St. Paul), urged that there be a chief administrator or manager of the city, to be appointed by the council or mayor, and that the council should consist of not more than eleven members, elected at large by proportional representation, as against the present method of electing 26 aldermen by wards.

A new charter for **Rochester, Minnesota**, proposed by a charter commission, provides for mayor-council government. It includes a provision (Section 69), however, that the Council may, at any time not less than two years after the adoption of the first administrative code under the charter, submit to the voters at a special election an amendment to the code to provide for appointment of a city manager by the council. Such manager would act as chief administrative officer and city comptroller and have the power of appointment of all members of departments, boards or commissions, all appointive officials except assessor and city clerk (to be appointed by the Council) and all employees except those under civil service.

The Junior Chamber of Commerce of **Aberdeen, South Dakota**, is sponsoring a campaign for the manager plan. Petitions have been filed and it is expected that an election will be held soon.

The League of Women Voters of **Midland, Texas**, is studying the manager plan with the idea of instituting a campaign for its adoption in that city.

A change to the council-manager form of government is under contemplation in **Henderson, Texas**. The Rusk County Chamber of Commerce is assisting in the effort for charter revision and the development of a ten-year program for the city.

**Waco, Texas**, voted on January 29 to change from the manager plan to the mayor-aldermanic form of 22 years ago. Out of 21,800 persons qualified to vote on the charter amendment 7,038 voted against the manager plan and 2,471 were for it. A vigorous campaign was waged by opponents of the administration, whereas its supporters did not become particularly active until shortly before the election. The only other abandonment of the manager plan in Texas was in Denton 27 years ago. There are now 52 manager cities in Texas, six having been added last year.

The Board of Trustees of the town of **Las Cruces, New Mexico**, has gone on record as favoring a change in status from a town to a city. City Attorney R. C. Garland has recommended that in changing status a council-manager form of government be adopted.

A citizens committee appointed by the City Council of **Burlingame, California**, to study the city's governmental needs, has recommended the drafting of a council-manager charter. Election of a board of freeholders for that purpose was urged. An ordinance has also been introduced by one of the councilmen providing for a city manager.

A special committee of the **Eureka, California**, Chamber of Commerce has recommended the manager plan in connection with the need of revision of



the city charter dating from 1895. On February 8 the directors of the chamber unanimously approved the plan.

A committee of the **Redding, California**, Chamber of Commerce has prepared a proposed city manager ordinance and submitted it to the City Council, which declined to approve it unless revised in some respects. It is hoped that it will be placed on the April ballot.

The Chamber of Commerce of **Brownsville, Oregon**, is studying the manager plan.

Other municipalities where interest in the council-manager plan is manifested include **Waltham, Massachusetts**; **Enid, Oklahoma**; **Hawarden, Iowa**; **Hot Springs, South Dakota**; **Faribault and Moorhead, Minnesota**; and **Sault Ste. Marie, Ontario, Canada**.

### ***Kansas City Expands Research; Recreation Study Undertaken***

The City Council of Kansas City, Missouri, has decided to enlarge the scope of the Bureau of Information and Service and to establish a Department of Research and Information. Features include a central reference library and a central research staff provided by combining the libraries and certain research personnel from the various departments, thus creating a clearing house for data gathered in the course of the city's business.

The new department is making a study of recreation for the Welfare Department, constituting an extension of similar work done in 1945. The present study will emphasize a survey of musical organizations in Kansas City, recreational programs sponsored by business and industry, and movie and theater attendance. Some of the information will be compiled in a summary, "Around the Clock in Kansas City," showing hour by hour how people spend their leisure time.

### ***Legislative Assistant for Yonkers City Council***

A majority of the Common Council of the city of Yonkers, New York, decided in January to establish the position of "legislative assistant," to be appointed by the Council as a means of liaison among the council members, the city manager, the municipal departments and the citizens. He is to undertake research and compile facts and figures for the guidance of the Council in its policy-making functions, both as to specific items of legislation and as to matters of overall planning.

### ***Pasadena Proclaims End of Proclamations***

The Pasadena, California, Board of City Directors has come to the conclusion that it has been too indulgent in issuing proclamations, including special designations for various weeks of the year, and has resolved to put an end to proclamations. The first victim of the new policy was the Junior Chamber of Commerce, which petitioned the board to proclaim a Junior Chamber of Commerce Week in January but was denied.

### ***Suit Brought to Force New Illinois Congressional Districts***

The great inequality in population of congressional districts in Illinois has been made the basis of a suit in Federal District Court, in an effort to force the legislature to perform its constitutional duty to redistrict the state. This has not been done since 1901, despite the legal requirement for redistricting every ten years on the basis of the federal census.

The suit has been brought by Kenneth C. Sears, professor of law, University of Chicago; Kenneth W. Colegrove, head of the Political Science Department, Northwestern University;

and Peter J. Chamales, attorney, of Barrington, Illinois, under the federal declaratory judgment act of 1935 empowering federal courts to make a declaration of rights, obligations, duties and principles in a given situation. The plaintiffs ask for such a judgment and also for an injunction against the April congressional district primaries. They point out that if the court enjoins them no confusion would result, as the 26 congressmen would then be nominated and elected at large. Their attorney, Urban A. Lavery, former attorney for the election board, stated in the brief that in four states—Kentucky, Mississippi, Virginia and Missouri—federal or state courts intervened and ordered elections of representatives at large.

Defendants in the suit are Governor Dwight Green, Secretary of State Edward J. Barrett and State Auditor Arthur C. Lueder, as *ex-officio* members of the State Primary Certifying Board.

Congressional districts in Illinois are reported to be the most unequal of any state, ranging in population from 112,116 to 914,053 according to the 1940 census. Cook County, containing the city of Chicago, has 51.4 per cent of the population of the state but has only 9.8 congressional districts as against 15.2 in the rest of the state. It has only 19 of the 51 districts for the State Senate.

Professor Colegrove stated that the suit has been brought for two reasons:

"In the first place, for many years teachers like myself have tried to teach generation after generation of students to respect and obey the constitution and laws of our government. Respect for law is one fundamental principle of government, consequently I deplore flagrant violation of law.

"For 35 years the legislature of Illinois has violated the federal law regarding the reapportionment of con-

gressional districts. I could not look my students in the face if I did not exert myself to correct this brazen breach of the law in Illinois.

"In the second place, if a state lacks the courage to take the leadership in fulfilling the constitutional responsibilities of the state legislature, the private citizens are compelled to resort to judicial means to correct such abuse."

Governors Dunne, Emmerson, Horner and Green have recommended reapportionment of the state in their messages to the legislature, but the downstate members have blocked such action except in 1931, when a congressional reapportionment was made but was voided by the Illinois Supreme Court as violating the requirements of compact and contiguous territory and reasonably equal population.

It would seem that if the court finds for the plaintiffs and election at large results, the legislature will be impelled to action, as it is predominantly Republican but the state has voted Democratic in presidential elections and the one representative-at-large is a Democrat.

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### ***Unicameral Legislature Urged in Missouri***

The movement in Missouri for a legislature of one house, which almost succeeded in 1944,<sup>1</sup> has again taken form as an initiative measure and also as a proposed joint resolution of the legislature, both being for amendment of the recently adopted constitution.

Petitions to initiate an amendment have been circulated by the Crusaders, primarily an organization of St. Louis businessmen, which pushed the idea previously. This group is now headed by Dr. Isaac Lippincott, dean of the School of Business and Public Adminis-

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<sup>1</sup>See the REVIEW, January 1945, page 33.

tration at Washington University in St. Louis.

The proposed resolution, calling for submission to the people of an amendment identical with the initiative measure, was introduced by Representative Raymond J. Lahey, St. Louis Democrat. It specifies a house of 50 members for at least the first ten years.

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### ***National Panel on Juvenile Delinquency***

A 30-member volunteer advisory panel to study the increase in juvenile crime was appointed on February 9 by United States Attorney General Tom Clark. It is to work with experts of the Department of Justice in an intensive survey of juvenile delinquency and will help the department to formulate plans. Its findings will be made available to welfare and law-enforcement agencies.

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### ***State-Sponsored University Proposed in New York***

As a result of charges that racial and religious discrimination is widespread in privately endowed colleges and universities, in a report of the New York City Mayor's Committee on Unity, bills were introduced in the state legislature asking for an appropriation of \$50,000,000 for the establishment of a state university. On February 4 Governor Thomas E. Dewey, in a special message to the legislature, called for the creation of a special commission to study the proposal. Pointing out that the idea is not new, and emphasizing the need for expansion of programs for higher education, he mentioned various divergent viewpoints as to the desirability, efficacy and character of the proposed institution, and urged thorough study and careful consideration. New York having pioneered in

legislation against discrimination in employment, he said that the fight would continue without compromise or appeasement.

The Congress of Industrial Organizations in New York State has opposed the state university idea as a move in the direction of segregation rather than against discrimination.

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### ***New Hampshire and Vermont Establish Judicial Councils***

Judicial councils, directed to study the organization, rules and methods of procedure and practice in their respective state judicial systems, have been established in New Hampshire and Vermont. The one in New Hampshire consists of a justice of the Supreme Court and one of the Superior Court, selected by the members of those courts; the attorney general; and seven other persons appointed by the governor, at least four of whom shall be experienced members of the bar. The Vermont council comprises the chief justice of the Supreme Court or an associate justice designated by him, two practicing attorneys-at-law and two laymen. The governor appoints the latter four. The councils will report biennially to the legislature concerning the judicial system, with recommendations for improvement, and may recommend to the state courts changes in their rules, practice and procedure.

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### ***High Attendance Marks Washington Regional Meetings***

In the state of Washington in 1945 nineteen regional meetings of city officials were held by the Association of Washington Cities. Although this was one less meeting than in 1944, the number of officials attending, 832, was the largest of any year, exceeding 1944 by 10 per cent.



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**Researcher's Digest**

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**How States Handle Labor Disputes*****Machinery for Mediation, Conciliation Described***

SOME type of machinery for conciliation and mediation in labor controversies has been established in 35 states, according to a report, *State Administrative Machinery for the Conciliation and Mediation of Labor Disputes*,<sup>1</sup> by John F. Duffy, Jr. This timely study has been published by the Bureau of Public Administration of the University of California, Berkeley, of which Samuel C. May is director.

The author lists five methods of settling employer-employee disputes: direct negotiation by the parties concerned, conciliation, mediation, arbitration and litigation. As implied by its title, the study deals only with the second and third methods.

Eleven of the 35 states providing for conciliation and mediation—Alabama, Iowa, Maine, Michigan, Minnesota, Montana, Nevada, Oklahoma, Oregon, Texas and Wisconsin—have established independent agencies; in the other 24 states responsibility is placed in the hands of an administrative department, usually the department of labor or the industrial commission. No provision has been made for conciliation or mediation of disputes in Delaware, Florida, Idaho, Kansas, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, South Dakota, Tennessee, Virginia and Wyoming.

One of several tables gives information on each state's method of dealing with the subject. Listing the states alphabetically, it shows how adminis-

trative machinery is provided, number of members, by whom appointed, term of office and compensation. Powers and duties of state agencies are described, as well as listed in tabular form, with charts for those states providing for a major effort to utilize conciliation and mediation. A suggested guide for appropriate legislation lists a series of points which should be included in any law. A selected reading list completes the volume.

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***Toronto's Metropolitan Area Problem***

"Where are Toronto and its metropolitan area heading?" asks the Toronto Bureau of Municipal Research in its December 20 *White Paper*—"Distribution delayed to secure careful reading."

Pointing out that the city's population is becoming stationary, the bureau, whose managing director is Horace L. Brittain, comments that the suburban areas have more than doubled their populations in the last twenty years. There is no doubt, says the bureau, "that something drastic needs to be done if local government in metropolitan areas is to function in the interests of citizens and taxpayers as a whole. . . . The city and its suburbs are one social and economic unit and any attempt to treat them as a series of independent units cannot but lead to grave failure in the end."

Tables include Toronto assessment figures from 1906 to 1945, changes in center of gravity of assessment, comparative financial information on Toronto and the cities and townships comprising the metropolitan area, and comparative population and acreage figures for the area.

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***Traffic Safety***

Buffalo is the safest in point of traffic fatalities of all cities of 500,000 and

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<sup>1</sup>48 pages, 50 cents.

over, the **Buffalo Municipal Research Bureau** says in *Just a Moment*. A statement to that effect by the Buffalo Board of Safety has been confirmed by the National Safety Council. The bureau, of which Sidney Detmers is secretary, attributes this accomplishment to the Buffalo Board of Safety and the active cooperation of the Council, the mayor and city departments, the Chamber of Commerce, Automobile Club and many other civic bodies, plus the citizens generally. Efforts along this line have been in progress since 1936 when, at the suggestion of the bureau, the mayor appointed an advisory body known as the Buffalo Safety Commission—later abolished and superseded by the Board of Safety.

"Whatever the officials and the machinery may be to accomplish traffic safety in any city," says the bureau, "they are valueless without the sort of cooperation given to this movement in Buffalo since 1937. It is therefore with a degree of satisfaction that all our citizens can view the 1945 record as their notable accomplishment."

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### **Neglected Maintenance**

"Providence like most other cities has a long history of neglecting expenditures for necessary equipment and maintenance in favor of other purposes," says the **Providence Governmental Research Bureau**, Robert E. Pickup, executive director. During the past two years, however, the bureau points out, there has been a reversal of this trend. To prove its statement the bureau's bulletin cites a series of examples: provision in 1946 for replacement of approximately half the police department rolling stock; continuation of a program that will enable systematic replacement of fire apparatus out of revenue; a start in replacement or in some instances initial acquisition of public works department

equipment; rebuilding the harbor master's building, etc.; replacing equipment, redecorating, alterations, etc., at Chapin Hospital; highway rebuilding; bridge maintenance.

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### **Seattle League's Activities**

C. A. Crosser, executive secretary of the **Municipal League of Seattle for Governmental Research**, has issued his annual report of 1945 accomplishments and activities to the Board of Trustees. A comparison with previous years shows that the league's accomplishments and program have expanded substantially, says Mr. Crosser in his letter of transmittal. Among the report's highlights are these:

The league was represented at nearly every meeting of local public bodies—city council, county supervisors, etc., as well as before the state legislature. Forty-eight issues of the *Seattle Municipal News* were published. There were 139 meetings of regular and special league committees with a total attendance of 810; studies by committees covered many subjects such as the proposed new city charter, budgets, county jail, purchasing; a summary of committee work is attached to the report. The league's membership has increased from 2,292 at the end of 1944 to 2,595 at the end of 1945.

League goals for 1946 include numerous surveys of current problems, recommendations on propositions to be voted on March 12 including adoption of the new charter, with wide circulation of its report on issues and candidates, and a membership of 3,000 by April 30.

Based on replies received from the fire departments of some 22 Pacific Coast cities and those throughout the country in the 200,000 to 600,000 population group, the league has issued a two-page report giving the following data for each city: whether the two-platoon system is in effect, hours for

each shift, extra days off per month, length of annual vacation with pay, time full salary allowed for illness, clothing allowance, annual salary range, bonus, firemen's contribution to pension, years of service and minimum retirement age, amount of retirement pension.

The Seattle League has also issued a report, prepared by John C. Bollens, research secretary, on *Audio-Visual Aids; Guides to Better Learning* (5 pages). It describes the extent to which such aids are used in the local school system and makes recommendations to the league's Public Schools Committee on evaluating their use and comparing results with those elsewhere. Suggestions are given as to ways and means of improving the use of audio-visual aids in the local schools.

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#### **Temporary Housing**

Discussing Philadelphia's proposal to obtain from the federal government some three thousand demountable housing units for temporary use by veterans, the **Philadelphia Bureau of Municipal Research**, whose director is William C. Beyer, warns that their use should be discontinued and the units removed as soon as conditions warrant. "A very important problem relates to the disuse and removal of the temporary housing units," says the bureau. "There will be a tendency to permit them to be used long after their need has ended."

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#### **Wayne University—City or State?**

In its *Bureau Notes*, the **Detroit Bureau of Governmental Research** suggests that the state take over Wayne University, at present under city jurisdiction. It chides the city for its "degree of uncertainty and cautious waiting. . . . At the moment the seeming lack of knowing just what we want, and failure to go after it as vigorously

as we could, adds confusion. The bureau consistently has believed that complete state assumption was the only adequate and logical answer." Loren B. Miller is director of the bureau.

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#### **1946 Program**

Among the activities which the **Schenectady Bureau of Municipal Research** is scheduling for 1946 are these: housing, particularly "the relationship of new housing to the maintenance of property values, the cost of governmental services, and conformity to civic development"; city planning, including the master plan now under discussion and its implementation; the base upon which tax support is derived for local government; budget analyses for city, county and school administrations; and organizational and functional analyses of city, county and school problems as the need for studies arises.

The bureau held its 1946 annual dinner meeting on February 19.

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#### **Challenging the Budget**

The **New Haven Taxpayers Research Council, Inc.**, challenges methods of the Board of Finance in voting on the city's 1946 budget, which, it states in its *Taxpayers Problems*, "should no longer be continued without public challenge because it is believed to be unsound appropriating and budgeting procedure and contrary to the provisions of the New Haven city charter." Merle W. DeWees is executive director.

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#### **Strictly Personal**

**John R. Kerstetter** has been appointed manager of the Governmental Affairs Department of the Dayton Chamber of Commerce. Mr. Kerstetter was formerly with the Governmental Research Institute of St. Louis. He entered the Navy in 1942, where he became a lieutenant in Naval intelligence.



## Citizen Action

*Edited by Elsie S. Parker*

## Fifty Years on the Civic Front

### *Retiring Secretary Issues Pittsburgh Group's History*

THIS is my swan song as I leave the civic field of action," announced Miss H. Marie Dermitt, secretary of the **Civic Club of Allegheny County** (Pittsburgh) from 1905 to 1945, on publication of *Fifty Years of Civic History, 1895-1945* (61 pages). "I am profoundly grateful to the civic secretaries, organizations and friends who have been helpful to me in a variety of ways during my interesting and exciting career."

Miss Dermitt's chronology of activities during the past fifty years covers a wide variety of projects for which the Civic Club has struggled. It is arranged by subjects, under each of which is the date of outstanding battles for improvements. The city manager plan, metropolitan plan for Allegheny County, zoning, in the municipal government field; pure water, stream pollution, smoke, municipal hospitals, medical inspection in schools, tuberculosis, in the public health field; arbor day, hobby fair, music in the parks, playgrounds and parks, public libraries, flower markets, Christmas lighting, in the recreation field; get-out-the-vote, junior and young men's civic clubs, *Voters Directory*, in the civic field; outdoor advertising, social security, and a host of other activities have kept the club on its toes for these many years.

As Miss Dermitt comments in her foreword, the chronology "shows the versatility and catholicity of thought and action" of the club's membership.

Committees study civic problems assigned to them to discover and recommend practical solutions and stimulate the interest of the community in the hope of eventually putting the solutions into effect. In the case of such proposals as open air schools, music in the parks, etc., the Board of Directors of the club permitted committees to undertake the development of a function for a limited period until the desirability of its being assumed by the city could be demonstrated.

The club has thrown its weight for or against proposed legislation as the need arose. Study and reports on federal, state and municipal legislation have been an almost continuous activity. Civic Club dues are not tax exempt, reports Miss Dermitt. This has left the club free to promote or oppose legislation without fear.

In 1907 the club joined with the American Civic Association in the nationwide campaign to save Niagara Falls from commercial vandalism; in 1911 it endorsed passage of the parcel post act and worked with other groups to secure the creation of a Federal Children's Bureau. The same year it endorsed and campaigned for state legislation to eliminate the fee system of compensating tax collectors in Allegheny County. Final victory in this battle was secured in 1936, 25 years later, and the pen used by Governor Earle to sign the bill was presented to the Civic Club in recognition of its efforts.

Beginning in 1931 the club worked for legislation which would give cities of the second class (Pittsburgh only) the option of adopting the city manager plan with proportional representation for the election of the council. It followed similar legislation through the legislative sessions of 1933, 1935, 1937 and 1939.

The club held its annual meeting in

January. In addition to electing officers the membership voted unanimously to adopt a proposed new constitution.

### **New Haven, Hartford Women Suggest Modern Charters**

Calling attention to the fact that the council-manager plan has been found satisfactory in over 600 municipalities, the **Greater New Haven League of Women Voters**, in its handbook, *This Is Our City—A Study of the Problems of New Haven and Its City Government*, concludes that what the city needs is a new charter which would provide a plan for the responsible, efficient and economical administration of the city's affairs.

The league lists "haphazard accretions," some 35 acts of the state legislature granting charters and making changes in the charter. "As the city grew," says the study, "and its problems became more and more complex, more departments or agencies were added, frequently supervised by boards or commissions specially created for the purpose. All these have been added to, rather than worked into, the framework of the charter and government. . . . New Haven has today more than thirty different departments, boards and commissions and no provision in the charter for integrating them."

The study points out that eighteen local offices are elective, that the city's Board of Aldermen has 33 members (only two cities in the country have city councils larger than New Haven's).

#### **New Charter for Hartford?**

The **Hartford League of Women Voters** is among the various civic groups working for a new charter in that city. It joined with the **Governmental Research Institute** and radio station WHTT in sponsoring a series of four meetings in one of the public schools to which the public was invited.

It has asked other civic groups to help stimulate interest in a new charter. The league plans to send ballots to its entire membership asking them to express their opinions on several important phases of city government. It hopes results will enable it to appear at an executive meeting of the City Charter Commission now in session prepared to make definite recommendations as to the form the new city government should take.

### **Girls Civic Club Helps Get Out the Vote**

EDITOR'S NOTE. — The following story appeared in *The Articulate Voter*, bulletin of the Minnesota League of Women Voters, Mrs. F. W. Grahame, president, under the title, "And An Even Younger Generation of 'Leaguers'."

We were just the Girls Civics Club of Mankato High School. We were becoming more social than civic until we were dying out for lack of real purpose. In trying to remedy this, we helped the Mankato League of Women Voters in a campaign to "get out the vote." It was fun to do something. For one thing we made tags, for another we took city maps, divided the territory among our 40 members and put on a doorbell campaign of "Have you voted?" Lest we ring any bell more than once we resorted to the hobo trick of a small chalk-mark on the front sidewalk. This told any possible overlapper of territory that we had already done our duty there. To our satisfaction Mankato had the largest voting percentage in its history.

This taste of constructive work was good and, sparing you the details, we became interested in the purpose and study of the League of Women Voters; and now, through the kindness of the Mankato League, we have been adopted by them as a Junior League of Women Voters. We are sharing

their projects, and at present are putting in a window display downtown on the food consumption of war ravished nations in comparison with the United States.

The club is now very active and hopes to develop a three-way program: to study international and national problems, to study and help with Mankato civic problems, and to study and help with problems in our own high school government. We are also trying to emphasize correct parliamentary practice at our meetings.

We feel much indebted to the Mankato League for its inspiration and its help. We know a Junior League of Women Voters would be a fine thing in ANY high school!!

VIDA ALEXANDER

Mankato High School Sponsor

### ***Student Conference Makes Civic Recommendations***

Abolition of county lines within New York City and coordination of county departments into a single municipal branch were recommended in a resolution adopted unanimously by the **Third Annual Metropolitan College Conference for the New York Area**. The conference met at Brooklyn College, whose Bureau of Government Research and Department of Political Science sponsored the gathering. Delegates urged allocation of surplus state funds for the support of municipal general welfare programs and recommended that state and city tax structures be revised so as to afford more adequate sources of revenue and increased independence for the city. The conference recommended also a five and ten point preference program for able and disabled veterans in place of the veterans' preference amendment adopted at the November elections. Other recommendations covered housing, civil service and state aid.

### ***Chicago Inspects Its Inspectional Services***

*A Report on the Regulatory Inspectional Services of the City of Chicago and a Plan to Simplify Procedures* (135 pages) is the result of a survey sponsored by the **Chicago Association of Commerce** and directed by the **Chicago Civic Federation**. The study was made by the staff of the Chicago Budget Survey Committee under the direction of Douglas Sutherland, executive secretary of the Civic Federation, assisted by Harland C. Stockwell, assistant executive secretary.

The survey recommends that: all inspectional services pertaining to buildings and their equipment and appurtenances be consolidated in appropriate bureaus of an executive department of the city government; mechanical inspections by the city should be coordinated with inspections by insurance companies and equipment servicing contractors; bureaus having collateral inspectional services pertaining to buildings should have their inspections coordinated with those performed by the proposed department of buildings and housing; inspectional services pertaining to streets and sidewalks should be consolidated in the proposed division of engineering and inspection of the Bureau of Streets; improved procedures should be adopted for issuing and investigating occupational licenses and for the control of departmental inspection of premises; an improved personnel system applying to inspectors and the clerical force should be installed; new procedures should be adopted for departmental reports, control of inspector's work assignments, volume of inspections and other routine work; municipal code provisions applying to inspectional departments and associated agencies should be brought up to date and adhered to; legal procedures for preventing ordi-



nance violations should be strengthened.

Charts illustrate the present setup for inspectional services in the city and organization of the proposed Department of Building and Housing in which many inspectional services would be consolidated.

#### *Speakers Bureau*

The **Corbin (Kentucky) League of Women Voters** has set up a speakers bureau on the council-manager plan. Corbin adopted that form of government at the November 1945 election, but it will not go into effect until 1949. Meanwhile, the League of Women Voters feels that an educational campaign should be conducted to insure that the community is well informed on how the plan works and its possibilities for good government.

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#### *Manager Plan Favored*

In a poll of leading Minneapolis citizens—representative of labor, clubs and the professions—conducted by the *Minneapolis Tribune*, the largest group, 38 per cent, expressed a preference for the council-manager plan. Preference for the present charter (weak mayor form) was expressed by 10 per cent; strong mayor-council form, 26 per cent; commission form, 20 per cent. Three per cent expressed a desire for combinations of these plans, while another 3 per cent had no comment to make.

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#### *Open House in Minneapolis*

The seven civic agencies of Minneapolis, now housed under one roof in the Metropolitan Building, held open house for members and the public on January 24, entertaining around a thousand guests. The event gave members an opportunity to inspect the new quarters and observe the work of the various agencies. Each visitor received

leaflets describing the organizations and their purposes.

"We were pleased to hear the complimentary comments made by visitors on the actual achievement of the goal of housing all of the agencies under one roof," said W. D. Naffziger, president of the **Minneapolis Civic Council**. "The open house showed subscribers the multiplicity of activities being carried on day in and day out by the civic agencies."

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#### *Merit System Publicized*

Five hundred "broad-sides" on the merit system have been distributed by the **St. Joseph, Missouri, League of Women Voters**, reports Mrs. Lee C. Sutherland. They have been mailed to senators and representatives, to league members, to local newspapers, and to members of the Citizens Good Government Association, the Council of Social Agencies, the American Association of University Women, Junior League, Teachers' Club, School Board, Ministerial Alliance and numerous other groups.

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#### *Veterans and Students*

The recently established Research Committee on Special State Problems, an evening group inaugurated by the **Massachusetts Civic League** primarily for veterans interested in participating in such activities, is having frequent lively meetings. Co-chairmen are Robert Saumseigle and Eleanor Killpartick. Discussions include the old-age assistance referendum which, in all its 1800 words, will be on the 1946 ballot.

The league's Students' Committee on State Affairs, composed of high school pupils of Boston and its vicinity, assembles at Old South Meeting House, where it is addressed by members of the State Senate and House. At one meeting the pros and cons of the fair employment practices bill were debated

by Senators Edward M. Rowe and Donald W. Nicholson.

Miss Katharine V. E. Lyford is executive secretary of the League.

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### **More Money for City Employees?**

The **Lowell Taxpayers' Association**, has issued a six-page bulletin dealing with the request of city employees for a further raise in salary. Taking up the arguments of the employees, the association, of which Lorenz F. Muther is executive secretary, comes to the conclusion that by comparison with cost-of-living indices as well as with rates paid in other comparable cities, city employees are properly paid; that from the point of view of the revenue expectancy of the city, state legislation for cities, and the future increase in the number of employees, any further rise in salaries of city employees is not in order. The report presents a comparative table showing wages and salaries for five Massachusetts cities—New Bedford, Somerville, Lowell, Lawrence and Lynn.

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### **Women in Public Office**

The Committee on Economic and Legal Status of Women of the **American Association of University Women** has unanimously agreed "to urge branches and state divisions to become even more active than before in promoting women for political and civic positions in their communities and states, and to cooperate with other organizations in doing so." It is suggested that AAUW groups hold more local, state and regional "White House" conferences on "How Women May Share in Government," using various suggested references, and to follow up such conferences with action. Miss Kathryn McHale is general director of the organization.

### **Double Celebration**

The year 1946 finds Cleveland celebrating its 150th birthday and the **Cleveland Citizens League** its 50th anniversary.

"The whole future of Cleveland, of the Citizens League, and of the other public and private institutions which have shared in Cleveland's greatness," says John E. Bebout, secretary of the league and editor of *Greater Cleveland*, "may well depend on how competently and fully we discharge our obligations during the next year. We dare not conceive our task in small terms. If any generation of Clevelanders has needed the energy, the daring and the unrestricted vision of the pioneers, ours is the generation." Listed as a few of the unsolved problems facing the city are: the suburban problem, the decay of the central area, transportation, where the money is coming from, inter-governmental relations—federal, state, county, city and interurban.

The League asks members and readers of *Greater Cleveland*, "What is good local government worth to you?" It points out that the minimum dues of five dollars cost 1.4 cents per day, considerably less than a daily newspaper or a coca-cola, "certainly less per week than one movie or even a pack of cigarettes."

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### **Philosophy of Education**

"Public secondary education should prepare the student for the privileges and duties of citizenship through the discipline of mind and emotion, so that he may, through his own experience, learn that responsibility for good government rests upon the use which he makes of his franchise."

This is the last—and one of the most important—of a series of recommendations made by the committee to consider a philosophy of public secondary education in Portland, Oregon, author-

ized by the **Portland City Club** in January 1945. The committee's report has been published in the club's *Bulletin* for January 11.

Of the six other studies on education subjects which the club authorized, one report, on the values and implications of universal military training, was submitted to the club in April of last year. The five additional reports are pending, some nearing completion. They cover educational needs of individuals whose education has been interrupted by the war, problems of present and future federal participation in public education in the Portland area, responsibility of the community to provide educational and constructive recreational opportunities for adults, need for reorganizing secondary education in the Portland area, adequacy of the public school health program.

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#### Nonpartisan Civil Service

The plan to take personnel matters out of politics in Springfield, Massachusetts, inaugurated under a Democratic administration and carried forward by the present Republican administration, "is a striking example of progressive nonpartisan government in Springfield," cites the **Springfield Taxpayers' Association** in its bulletin, *One Minute Please*. The first step in this freedom from political pressure was the creation of a representative personnel commission which made a study of positions in the city's civil service resulting in the establishment of a standardized pay plan. A proposal for service ratings for employees is now before the City Council as an essential part of the plan to keep personnel matters out of politics.

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#### Hope Springs Eternal

The **Chicago City Club** has asked state and county leaders of the two major parties to give special considera-

tion to the need for selecting outstanding candidates for Congress in the 1946 elections. The appeal, contained in a letter signed by President William H. Haight on behalf of the executive committee, was made on a nonpartisan basis. "The importance of placing before the people of Cook County and of Illinois the ablest and worthiest candidates for office is obvious," reads the letter. "Upon you rests a large part of the responsibility for the type of candidate offered to the voters."

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#### Strictly Personal

**Hon. Harold E. Stassen**, former governor of Minnesota and until recently a captain in the United States Navy, will address the Cleveland City Club. Members of the Cleveland Citizens League and other civic groups have been invited to attend. Mr. Stassen is a member of the council of the National Municipal League.

**Robert A. Walker** has been appointed director of the new Institute of Citizenship recently installed by the Kansas State College of Agriculture and Applied Science. He was previously with the United States Department of Agriculture.

The Seattle Real Estate Board has named **W. Walter Williams** as the city's "first citizen" for 1945. Mr. Williams is a member of the Seattle Municipal League and was president of the Chamber of Commerce in 1938 and 1939. The award was based on his war service to the community which included chairmanship of the Washington State Defense Council.

At its 71st annual meeting the Citizens' Association of Chicago elected **George R. Carr**, chairman of the board of Dearborn Chemical Company, as president. **Herman O. Walther** and **Gilbert H. Osgood** were chosen as vice-presidents, **Stanley P. Farwell** as treasurer, and **Edward M. Martin** secretary.



## Proportional Representation

*Edited by George H. Hallett, Jr.*  
(This department is successor to the  
Proportional Representation Review)

## The Second P. R. Election in Lowell

### *Plan E Proposed for Boston P. R. Developments Abroad*

LOWELL'S second P. R. election on November 6 returned six of the outgoing councilors for another two-year term and replaced three others who sought re-election by two former councilors and a returned veteran new to politics. It did not, however, change the political complexion of the Council as a whole.

Lowell, an industrial city with a cosmopolitan population, is divided politically into three main groups which antedate the advent of P. R.—“Irish Democrats,” “Yankee Republicans” and “French Republicans.” While P. R. elections are nonpartisan and have shown numerous evidences of political independence by many voters, these main groupings have naturally had a considerable influence. In striking contrast to past elections under other methods, all three have been fairly treated. The outgoing and the new Councils each consist of four “Irish Democrats,” three “Yankee Republicans” and two “French Republicans.”

This consistent reflection of the main groupings resulted despite the fact that there were 97 candidates in the 1943 P. R. council election and 59 in 1945. Such a scattering of votes in a contest for nine places would have made the results under a plurality system of election entirely haphazard, with a large part of the votes wasted on losers. Under P. R. as the low candidates were dropped one at a time their votes were transferred to the voters' next choices, so far as such

choices were expressed, instead of being wasted. Enough of the transferred ballots did show such choices to preserve the main trends shown by the first choices and to make 85 per cent of the valid ballots effective in electing candidates for whom the voters had expressed a choice.

Woodbury F. Howard, who was chairman of the committee that secured the adoption of the “Plan E” (city manager and P. R.) form of government and served as mayor by election of his fellow-councilors for the first two years under it, led the count on first choices. During the transfers, however, he was passed by two others and the man who reached the election quota of 3,242 first, Councilor Leo A. Roy, popular French-American, was chosen mayor for the new term.

Numerous other changes of position took place during the exciting transfers and the candidates who started eighth and ninth lost out to the candidates who started tenth and thirteenth.

The campaign was quiet but resulted, as expected, in a larger vote than in 1943.

### Upsets on School Committee

In the P. R. election of the school committee less attention was paid to traditional alignments. Well qualified members of two minority groups which had never had anyone elected to public office in Lowell before were among the six committeemen elected. They were Paul C. Panagiotakos, graduate of Massachusetts Institute of Technology, holder of a doctor's degree in organic chemistry and instructor at the Lowell Textile Institute, who led the poll, and John Janas, who had graduated from Lowell Textile at the head of his class. These men not only received enthusiastic support from the relatively small Greek and Polish communities to which they respectively

belonged but ran well in all parts of the city and on votes transferred from all types of candidates.

The others elected were the two members of the outgoing committee who sought re-election, Gerald F. Cronin and John P. McDonough; a former committeeman with a good reputation, John J. White; and George A. Ayotte of the Franco-American Union.

There were 29 candidates in all. As the low men were eliminated one by one Panagiotakos, Ayotte and White reached the full quota of 4,565 and 73 per cent of the voters succeeded in electing candidates for whom they had expressed a choice.

Under the Plan E charter Mayor Roy is a member and chairman of the school committee *ex officio*.

The two counts were conducted under the direction of C. Brendan Noonan of Cambridge, who had charge of the first Cambridge P. R. counts in 1941 and the first Lowell counts two years ago.

The Council count was completed the Monday night after election and the School Committee count, which followed, was completed the following Thursday night. The Council count was prolonged by the large number of candidates. A recount of councilmanic ballots demanded by a defeated candidate made no change in the result and only a slight difference in votes credited to candidates.

### A Bright Financial Outlook

A special article in the *Lowell Sun* of January 17 describes the city's improved financial situation under Plan E. When the new regime was inaugurated on January 1 two years ago, the city's debt was \$4,117,929. At the beginning of the current year it had been reduced to \$2,388,763. The city is repaying large past borrowings for unemployment relief, local improvements

and even operating expenses. The water department has not only reduced a \$400,000 debt to \$243,000 but "accumulated a surplus of \$65,000 with which to finance improvements to the department—an unheard of situation in the modern history of the city."

Next year the city's interest payments will drop from \$64,000 in 1945 to less than \$40,000. Most of the debt is scheduled for elimination by 1950. "Thus it can be seen," the article concludes, "that if the city can keep on an even keel for the next few years, the point will be reached where hundreds of thousands of dollars of tax money will be freed for local improvements, current obligations, more equipment, better service and greatly reduced taxes."

### P. R. Bills in Massachusetts Legislature

Speaker Frederick B. Willis, Saugus Republican, of the Massachusetts House of Representatives, has introduced two bills proposing extensions of Plan E, the combination of the council-manager plan and proportional representation now in effect in Cambridge and Lowell.

The first calls for a vote next fall on adoption of the plan in Boston, the only city excluded from the present optional act. The proposal is being supported, according to newspaper accounts, by the Boston Finance Commission, the Municipal Research Bureau, the civic branch of the Chamber of Commerce and the League of Women Voters. Proponents say that if Mayor Curley does not do better by the city in his new administration than he has done previously, there will be a very strong movement for the adoption of Plan E.

Speaker Willis' second bill set out to make Plan E available to towns by petition and popular vote. The use of

P. R. in this connection is particularly appropriate because many Massachusetts towns are still governed by town meetings, which, though cumbersome and ill-attended in modern conditions, allow a voice in town affairs to every minority however small. P. R. preserves the town meeting's conditions of minority representation and majority rule as accurately as it is possible to do it in a representative body. However, at a public hearing before the joint committee on towns, P. R. was attacked as "undemocratic" because of its minority representation feature by the majority leader of the Senate, Senator Donald W. Nicholson, Republican, of Wareham, and Mr. Willis agreed to withdraw that feature of his town bill and also to let town clerks, collectors and auditors remain elective under the town manager plan.

As in other recent sessions the repeal of Plan E for cities has been proposed by a bill introduced at the request of Edna L. Spencer of Cambridge. At a hearing on this bill on January 16 Plan E was upheld by Mayor Leo A. Roy and Councilor Woodbury F. Howard of Lowell, George A. McLoughlin, president of the Cambridge Civic Association, and Arthur C. Conley of the Massachusetts Federation of Taxpayers Associations.

### ***P. R. Used Again in Germany***

Before the advent of Hitler, Germany used for all its elections a party list system of P. R. It prevented the Nazi party from winning a clear majority of the Reichstag and was one of the most obviously logical victims of Hitler's wrath when by extra-legal stratagems he assumed power.

The first democratic elections in Germany since the defeat of Nazi Germany were held on the P. R. principle under provisions similar to those

in force before the Nazi regime. They were the local elections held in the American zone, first for seventeen rural counties (*Kreise*) in Greater Hesse on January 20 and then for 22 additional counties in that state and for all counties throughout Bavaria and Wuertemberg-Baden on January 27.

According to dispatches to the *New York Times*, 83 per cent of the voters cast their ballots in the January 20 poll. Incomplete returns place the Social Democratic party at the head of the poll with 146,500 votes, followed by the Christian Social Union (Christian Democrats) with 99,500; independents, 92,000; Communists, 16,600; and Liberal Democrats, 5,600.

In the later elections, participated in by the large cities, 84½ per cent of the voters went to the polls. On incomplete returns the Christian Social Union (Christian Democrats) led the poll with 1,304,000 out of 3,250,000 ballots tabulated; followed by the Social Democrats, 870,000; Communists, 127,000; Liberal Democrats, 57,000; independents and smaller parties (of which, for example, there were seventeen in Bavaria), 840,000.

### ***P. R. Bill Almost Carries in South Australia***

Tireless advocates of electoral justice in South Australia have had another disappointing setback after success seemed within their grasp.

A bill providing for the election of the provincial House of Assembly (lower house) by the Hare system of P. R. was introduced and championed by the leader of the Labor party, R. S. Richards of Wallaroo. It provided for the election of six members from each of the province's six election districts for the federal House of Representatives or, in case of federal reappointment, of five members from each district if the number of districts were increased to seven or of seven mem-



bers from each district if the number of districts were decreased to five. Since the federal apportionment is governed by provisions which insure approximate equality in the population of districts, this plan assured a close approximation to equality of voting power throughout the province, in striking contrast to the present plurality system in unequal gerrymandered districts.

It was not proposed to change the method of electing the upper house, the Legislative Council, in the hope that that body could be induced to accept the bill if it passed the House of Assembly. An earlier P. R. bill which passed the lower house in 1924 met defeat because of upper house amendments.

Although Mr. Richards is the leader of the opposition, enough votes outside his own party seemed assured to pass his measure in the lower house. The actual event is described in a letter of December 6 from E. J. Craigie, secretary of the Henry George League of South Australia and sponsor of a P. R. measure which almost carried the House when he was an independent member of it in 1940:

#### **Vote on Bill**

"The P. R. bill reached its second reading stage in the State Parliament yesterday. The voting was: for the bill, 19; against, 16. As the bill provided for an alteration of the constitution it was necessary that it obtain a constitutional majority, that is, 20 votes; consequently the failure to reach that number by one vote caused the bill to be defeated.

"There were peculiar circumstances attaching to the taking of the vote. One of the Labor members was not in his place in the House to vote for his leader's bill, and one independent member who spoke in support of the

bill entered the House immediately after the vote had been taken. Either one of these members' votes would have insured the passage of the bill. The independent stated he had been detained by a blow-out of one of the tires on his motor car and reached the House in time to find the doors locked against him for the division on the bill. . . . It is an open secret that a number of Labor members with safe pocket boroughs are not in favor of P. R. although it is on the party platform. . . ."

#### **Tasmanian Groups Use P. R.**

In a speech explaining and supporting his bill in the House of Assembly on October 10 Mr. Richards made the following reference to Tasmania, which has conducted its provincial parliamentary elections by the Hare system of P. R. ever since 1907:

"During a recent visit to Tasmania I was surprised to learn that a large number of organizations not even semi-governmental in character adopt the system of proportional representation for the election of their officers. Officials of the State Electoral Department are available to assist in the conduct of such ballots. This shows the confidence that the Tasmanian people have in proportional representation. I attended a Labor party conference at Launceston, where an election of officers took place. The electoral returning officer for the state conducted the ballot. All the officers were elected on the basis of proportional representation and the Electoral Department assisted as an act of courtesy. I was informed that elections associated with the Masonic Order were conducted in the same way. I mention this to show that where the system has been in operation for years there is general approval and acceptance of it."

## County and Township

*Edited by Elwyn A. Mauck*

### Manager Plan Suggested in Four Counties

*New Charter Drawn for Clackamas County, Ore.*

THE Bureau of Municipal Research and Service, associated with the University of Oregon, has drafted and submitted a manager charter to the Clackamas County, Oregon, Charter Committee. It provides for a board of seven members, elected at large on a nonpartisan ballot, which would appoint a manager. Provision is made for staggered four-year terms for board members. After the first election four and three members would be elected at alternate elections. Except for the county board all elective offices would be abolished and full power of appointment would be given to the county manager.

A group of citizens in Baltimore County, the largest and wealthiest in Maryland, is interested in securing the council-manager plan as the county's mode of government. Baltimore County, entirely separated from the city of Baltimore, completely surrounds the city except to the south. Its population is approximately 200,000. It contains a large industrial section, middle class suburban homes in a wide belt surrounding the city, and an outlying district of farms and large estates. At present the county is governed by a commission of three members, elected at large.

The Atlanta Industrial Union Council in a recent meeting adopted a resolution urging Fulton County, Georgia, to adopt the manager form of government. It recommended that the Fulton commissioners "seek out and em-

ploy the most competent manager available," and regarding such manager it specified, "he is to take no part in the county politics." The manager plan was recommended also several months ago by a Fulton County grand jury.<sup>1</sup>

### Reform Recommended for Missouri Counties

The University of Denver graduate students, Paul Byers and Lila Pine, making governmental studies of Pemiscot and Cape Girardeau Counties, Missouri, as previously reported in this REVIEW,<sup>2</sup> recommended the following changes:

Cape Girardeau County is governed by a three-member county court with legislative, administrative and judicial powers. It is recommended that the judicial functions be entirely removed and that administrative functions be delegated to a chief executive in a manager plan of government. Also recommended are a reassessment of property, centralized purchasing, improved personnel procedures, annual audits, reforms in accounting practices, and the abolition of the fee system of compensation.

Pemiscot County is a rural area devoted primarily to the growing of cotton and soy beans. It has the traditional form of government, but with more than the usual amount of lack of integration because of the existence of partially autonomous highway, levee and drainage districts. Recommendations include a short ballot, centralized purchasing, an integrated system of accounting, and supervision of all county activities by a county court.

### Santa Barbara County Establishes Water Agency

Santa Barbara County, California, has established a water agency which

<sup>1</sup>See REVIEW, January 1946, page 36.

<sup>2</sup>November 1945, page 520.

will serve as spokesman for the several water districts and cities in the county in negotiations with the U. S. Bureau of Reclamation. Members of the County Board of Supervisors will serve as directors of the agency.

The purposes of the agency include cooperation in providing an adequate water supply for the rapidly-growing cities, flood control, irrigation and the arresting of the constantly lowering water-table.

The several dams necessary will be built by the Bureau of Reclamation and financed on a 40-year self-liquidating basis.

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### ***Wisconsin County Officials Seek Home Rule***

*Wisconsin Counties*, a publication of the Wisconsin County Boards Association and other groups of county officials, has published an article pleading for more home rule for the counties of the state. It emphasizes that the 1945 legislature restored many of the county home rule powers regarding internal administrative matters that were granted by the 1923 legislature but which subsequently were reduced and restricted by judicial decisions. It proposes that the legislature now give consideration to county home rule in substantive matters or functional fields as contrasted with the problems of form and organization.

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### ***Counties Make Postwar Plans***

In many states county planning is making considerable progress, aided by legislative action. New legislation includes authorization to Colorado boards of county commissioners to adopt building codes in zoned unincorporated areas; provision for the creation of county planning commissions in Michigan; authorization to county commissioners in North Carolina to set up

county planning boards and for creation of joint county-city planning agencies; and in Minnesota an amendment allowing preparation of a comprehensive plan for Ramsey County outside the city limits of St. Paul.

In California outstanding planning is being done by such long established commissions as those in San Mateo, Marin, Los Angeles, Santa Clara, San Joaquin and Orange Counties, the American Society of Planning Officials reports. San Bernadino County, in that state, has published a detailed county analysis this year.

The Virginia State Planning Board, which sponsored a series of county planning institutes in that state, published six pamphlets on aspects of county planning organization and activity.

Southern counties have been particularly active in the preparation of public works programs. State planning agencies in North Carolina, Georgia and Alabama give particular support to this activity.

In Florida the Dade County Coordinating and Planning commission, which prepared an airport survey for the area last year, recently enlarged its staff for an expanded program.

The newest county planning commission in the country is probably Montgomery County's, (Dayton) Ohio.

Story County, Iowa, with an unofficial postwar planning council, has carried on a program of adult education in planning. Representing sixteen county-wide organizations, the council works across the social, economic and physical fields of planning "in a true grass roots program."

During 1945 the Westchester County (New York) Department of Planning took action in connection with important zoning problems and prepared a comprehensive report on the need for markets in the area.



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## Taxation and Finance

*Edited by Wade S. Smith*

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### Commission Urges More New York State Aid

***Proposed Program Covers Increase of \$51,000,000***

**I**NCREASED state aid to local units and a drastic reorganization of the basis for such aid was urged on the New York legislature by the Temporary State Commission on Municipal Revenues and Reduction of Real Estate Taxes (State Comptroller Frank C. Moore, chairman) in its second report, submitted in January.

The proposed program differs substantially, both in amount of aid and method of allocation, from the existing state aid structure in New York. Under the present system the state makes outright grants for certain purposes, most importantly for 40 per cent of emergency relief expenditures, and distributes proceeds of part of a number of state-collected revenues on various formulas.

The new system would substitute for the bulk of shared revenues a per capita distribution to be made from the state's general revenues, augmented by a share of motor vehicle and motor fuel taxes for counties outside New York City, by aid for snow removal outside New York City, by increased educational aid, and by assumption by the state of all but 20 per cent of the cost of home relief and social security.

The commission estimates that, as compared with 1944, the proposed plan will cost the state an additional \$51,486,264 and increase aid to the localities by a like amount. Of this increase, \$32,074,683 would fall to New York City, including \$7,381,000 for education,

while \$19,411,581 would fall to upstate units, including \$10,208,900 for education.

These figures have been objected to by some as misleading, inasmuch as the 1944 state aid total on which they are based excludes any part of the state public utility tax, originally levied by New York City, then taken in its entirety by the state, and for 1944 returned "temporarily" to the cities. If adjustment is made to include in the 1944 aid the cities' temporary share of the utility tax, then the over-all increase under the proposed plan drops to \$32,957,973, divided \$18,687,715 to New York City and \$14,270,258 to upstate.

The 1944 aid was less than that of 1945 because of higher revenues last year, but in normal years the plan will undoubtedly give the local units much more than they would have received under the present system, especially since emergency relief would be largely shifted to the state.

#### **Per Capita Payments**

A principal feature of the plan is the substitution of per capita payments for most of the shared taxes now received by cities, towns and villages. Proposed at the rate of \$6.75 per capita for cities, \$3.55 for towns, and \$3 for villages, these would take the place of all shared revenues. They would substitute what for the local units would be a dependable annual revenue in place of the present fluctuating yield of numerous shared taxes and, like state assumption of the bulk of emergency relief costs, would benefit the cities especially in times of adversity. Under the plan shared revenues would be increased \$12,453,606 as compared with 1944 (with 1944 excluding the temporary utility tax distribution of \$18,528,291, however) and would amount to an estimated \$95,746,611 in

clusive of \$11,841,907 motor vehicle and motor fuel revenues which would continue to be allocated to upstate counties. Of the total of shared taxes, \$50,248,971 will fall to New York City.

Second in amount to the shared taxes under the plan, and even more important in the long run to the cities, towns and counties which handle emergency relief, is the proposed raising of the state's share of welfare costs from the present 40 per cent to 80 per cent. In 1944 the local units received \$57,105,577 for welfare reimbursements, as compared with a proposed \$78,037,733 under the plan. New York City in 1944 received welfare reimbursements of \$38,408,875, whereas had the plan been in effect it would have received \$54,306,594. For upstate cities the corresponding figures would be \$3,134,668 and \$4,214,800, for upstate counties \$15,135,703 and \$18,700,043 and for upstate towns \$426,331 and \$816,296.

The \$51,486,264 total increase under the plan, as estimated by the commission, includes state grants for education under the revised formula already enacted. Educational aid totaled \$76,466,100 in 1944 and is estimated under the revised plan as \$94,056,000, or up \$17,589,900, with \$7,381,000 of the increase falling to New York City as earlier noted and \$10,308,900 to the upstate cities and school districts. Aid to upstate counties and towns for highways would be unchanged at an estimated \$5,052,893, while the minor item of upstate county snow removal grants would be doubled from \$510,602 in 1944 to an estimated \$1,021,204.

Enactment of the commission's plan is expected to be made a part of the Dewey administration's legislative program although it is not yet apparent what changes if any will be urged by the legislature.

### ***U. S. Supreme Court Affirms Tax in Saratoga Springs Case***

The decision of the United States Supreme Court affirming imposition of the federal excise tax on mineral waters bottled and sold by the Saratoga Springs Authority of New York State, just announced when this department went to press last month, is now available for study. While it discloses a novel division of the court—no less than four separate opinions were rendered—the position of a majority is evidently much closer to traditional rulings on intergovernmental tax immunity than at first appeared.

The case, it will be recalled, arose when New York State protested the imposition of the two cents per gallon federal excise tax on mineral waters bottled and sold by the Saratoga Springs Authority, a state agency. The state urged that in operating the authority it was engaged in a governmental activity—conservation of natural resources.

In *South Carolina vs. United States*, 199 U. S. 437, rendered in 1905, the court had upheld imposition of a federal license tax on a state liquor system, and it was generally expected that the decision in the Saratoga Springs case would follow this precedent. Last fall, however, the court asked New York and the other states which had appeared as *amici curiae* in the case to file briefs and argue two new questions: first, as to whether Congress may tax a state activity generally taxable if engaged in by private interests, provided the tax be not discriminatory; second, to what extent a state by enlarging its proprietary activities may withdraw from federal taxation activities normally subject to federal taxation if engaged in by private interests.

This was regarded as indicating at least a willingness on the part of the

court to reconsider the whole subject of intergovernmental tax immunity, and aroused intense interest in the case. Briefs were filed by New York and by the attorneys general of 45 other states.

### **Traditional Approach**

The court's decision, handed down January 14, 1946, showed that only a minority of the court was willing to go very far in discarding the traditional approach to tax immunity. Mr. Justice Frankfurter announced the judgment of the court in an opinion with which Mr. Justice Rutledge concurred in a separate opinion. Four other members of the court—Chief Justice Stone, who wrote a third opinion, with Justices Reed, Murphy and Burton concurring—agreed in upholding the tax but disagreed on almost every other point with the Frankfurter and Rutledge opinion. Two justices, Douglas and Black, dissented. Mr. Justice Jackson did not participate.

The Frankfurter opinion discarded the traditional thesis of reciprocal immunity, and proposed that the test be whether a tax levied by the federal government on the states is discriminatory or non-discriminatory. He appears to have held fast, however, to the view that the federal government was immune to state taxation. The opinion of the Chief Justice agreed that the tax must be non-discriminatory, but held that it must nevertheless be such as not to unduly interfere with the state's performance of its sovereign functions of government. All six justices appeared agreed, however, in rejecting distinctions between governmental and proprietary activities as the test. The dissenting opinion followed the traditional Marshall proposition that the immunity is reciprocal and should be applied without exception.

It seems evident that had a majority of the court agreed with Mr. Justice

Frankfurter that a federal tax need only be non-discriminatory as between state and private taxpayers engaging in like activities, the way would have been opened for widespread federal taxation of state-local activities, not only in such "proprietary" activities as water, light, transit, toll bridge and highway enterprises, but possibly also in numerous activities which are essentially governmental. As things stand, however, the broad question of intergovernmental tax immunity appears to have been settled, for the duration of the court as now constituted, on lines not far removed from those previously prevailing, but with the added advantage to local government that the attempted distinction between governmental and proprietary activities appears to have been abandoned.

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### **California State-Local Improvement Plans Listed**

One of the states most spectacularly affected by the in-migration of war workers during the defense and war boom period, California has also been among the states most actively engaged the last several years in promoting and cataloguing the means by which the state and its local units expected to soften the transition from war to peace production and retain as large a portion as possible of the newcomers.

The work has centered in the State Reconstruction and Reemployment Commission, which has collected and published many interesting studies of local situations and has now released a catalogue of the state-local improvement programs expected to meet deferred capital needs and provide employment as, if and when needed.

Through December 31, 1945, the commission reports, public works amounting to more than \$1,100,000,000 had

(Continued on page 156)



## Local Affairs Abroad

*Edited by Edward W. Weidner*

### British Leaders Plan Administrative Staff College

#### *To Train Civil Service, Trade Union, Industrial Personnel*

**A**N Administrative Staff College<sup>1</sup> at which young administrators, nominated from among the most promising of rising personnel in industry, the civil service, local government and the trade unions will take courses together, is being established in England this year. A court of governors has already been appointed and the college incorporated. The college is to be located on a riverside country estate where it is hoped students, during their three months stay, will relax and learn much from each other's experiences as well as take courses. Candidates for the college will be nominated initially by their own organizations, subject to review and confirmation by a college selection committee.

For more than three years a group of industrialists and others has been studying a plan to found such a college. Members of the group have consulted members of the government and representative leaders in industry, commerce, the fighting services, the civil defense, local government and the universities. The proposal has been received with general enthusiasm.

The ideas underlying the proposal may be summarized as follows: (1) Industrial and commercial enterprises as well as the activities of government, both central and local, are daily becoming

more widespread and more complex. This calls for devolution of duties and acceptance of responsibility by an increasing number of those in executive positions.

(2) The recent changes in the spheres of business and of government also demand a closer appreciation of the outlook and problems of others both within and between private enterprise and the public service. The improved relationship and the greater mutual understanding induced by the war should be strengthened to the utmost.

(3) There are certain fundamental principles of organization and administration which are common even to quite different types of activity. These principles can and should be taught, but today they are laboriously and inadequately acquired individually by a process of trial and error.

(4) Far better results can be obtained if these principles are expounded to those who already have acquired some relevant experience.

(5) Holders of responsible positions are drawn from all sorts of people—from those who have received the highest academic education and those whose education has been severely practical; from technicians transferred to administrative functions and those who started on the administrative side. Experience, however, suggests that a suitable course can be devised for men and women with widely different backgrounds, provided care is taken to avoid giving the course too academic a flavor.

#### **Aims of Institution**

In some respects the problem is comparable to that of the fighting services where the need for staff colleges has long been recognized. There is a somewhat similar need among holders of responsible positions in civil life.

The aims of the college will be: (1) To investigate and explain the prin-

<sup>1</sup>This article is condensed in part from *Municipal Journal* (England), November 30 and December 21, 1945.

ciples and technique of organization, administration and leadership in civil life; and (2) by, so to speak, "cross-fertilizing" the minds of young administrators from all walks of national life, at an age when their views are formed but not fixed, to provide for the exchange of ideas to mutual advantage and to promote a better understanding in the future between those in charge in different spheres of activity.

Under the first of these aims problems to be studied are, for example, principles underlying the structure of organizations, personnel management common to most large-scale enterprises, application of statistical methods to practical problems, uses and limitations of public relations work, and methods of measuring public opinion. The aim will not be to produce personnel managers, statisticians or public relations officers but to assist the student to understand what such specialists, whether inside or outside their own organizations, can or cannot do.

#### **Research and Teaching**

It is considered important that the staff of the college should be engaged in research as well as teaching. Apart from the undoubted fact that teaching and research are good for each other, industry and the public services may well find it useful to have, as it were, a research station to which problems of administration and organization can be referred. In this field the college will in course of time render a service no less valuable than its teaching by providing a store house and clearing house of knowledge and experience.

The second of the college's aims will be achieved informally by the opportunity afforded, in an institution without political, economic or social bias, for the mixing of types and the pooling of experience. By helping students to a discovery of the roles played by those in other walks of life, something

will be done to break down the mutual ignorance and consequent distrust that exist today. The habit of approaching administrative problems in a purely objective and scientific spirit will be strengthened. This will increase, and indeed disclose, the unity of purpose underlying some of the superficial differences in national life.

The mixing of public servants, labor leaders, businessmen and industrialists is of the greatest importance. Apart from the obvious point that many of their problems will be shown to be common, or at least related, training at the college will broaden their sympathies, quicken perception of their social obligations, and lead to a better understanding of other people's way of life and point of view.

A foundation has offered to provide grants totaling £10,000 over five years for the award of scholarships.

#### ***A Suggestion on Montreal's Metropolitan Problem***

The mayor of a suburb of Montreal has proposed that the Montreal Metropolitan Commission be the nucleus of an administrative system for the whole island of Montreal.<sup>1</sup>

Canada's commercial metropolis is composed of fifteen separate municipalities and, until the Metropolitan Commission was established in 1921, there was no official connection of any kind between them. Established primarily to take care of four (now three) bankrupt towns, the commission has had a much more important job, the supervision of the finances of all its member municipalities with the exception of the city of Montreal itself. The commission's value was particularly noticeable during the days of the long depression, when many cities and towns in Canada became delinquent in

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<sup>1</sup>*Municipal Review of Canada*, December, 1945.

their financial obligations, but those under the commission, even the poorest, managed to keep their heads above water.

The commission's membership is composed not of direct representatives of the public, but of representatives of the various local councils, usually but not necessarily the mayor. Such a system of metropolitan administration is probably the only one that would be acceptable to a cosmopolitan community like Montreal with its distinctive national units.

### ***More Grants Extended to Local Governments***

A bill to change the distribution of the block grant so as to favor poorer local authorities more has been given a second reading in the British House of Commons. Called the Local Government (Financial Provisions) Bill, it was described by Aneurin Bevan, Minister of Health, as essentially an interim measure designed to meet the immediate postwar situation until the entire structure of local government finance can be reexamined.

### ***British Boundary Commission Regulations Approved***

Regulations made by Minister of Health Bevan which are to serve as a guide to the new Boundary Commission were approved by the House of Commons in December. In general they lay down the factors which the commission must take into consideration in ordering consolidation or alteration of local government boundaries.

One of the factors to be taken into account is the relationship between the new housing and planning programs designed to decentralize many of the

urban areas and local government jurisdictions.

### ***Manitoba Legislature Makes Municipal Changes***

Legislative changes in the powers of municipalities in Manitoba during 1945 included a law empowering localities to enter into the business of buying and selling gasoline and petroleum products or becoming members of co-operatives carrying on such business.

Structural changes extended the term of mayor or reeve to two years and empowered municipalities to appoint civic managers.

### ***Education for Public Service***

Reform of educational and entrance policies relative to the French local and central civil service are being undertaken. The object is to make the highest positions in the service available to everyone through a number of schools for present and prospective public administrators, the cost of such education being largely met by the government.<sup>1</sup>

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### ***Information Centers***

As a result of their proved usefulness during the war, local information centers, it has been suggested by the minister of health, should be established permanently in England.

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### ***Airports***

The future of municipal airports in the Union of South Africa remains quite uncertain pending decision by the national government as to what extent they should be nationalized.

<sup>1</sup>For more details on the French reform, see *Public Administration Review*, Autumn 1945; and *Municipal Journal*, November 2, 1945.



# Books in Review

**The Book of the States, 1945-1946**  
(Volume VI). Chicago, Council of  
State Governments, 1945. xii, 724 pp. \$5.

This is a useful reference book on state governments, containing a vast amount of up-to-date information on state officialdom, constitutions, functions and intergovernmental relations. Extensive improvements have been made in this edition over previous ones, principally in the organization of the materials.

An effort has been made to get specialists in the various fields to summarize recent developments in a number of readable articles. These articles have then been grouped under various headings such as intergovernmental relations, constitutions and elections, legislatures and legislation, administration, taxation and finance, major state services and the judiciary.

All statistical data have been revised and brought up to date as far as possible, and considerable new material has been added. Appended to the articles and statistical materials is a list of state officials and state legislators which takes up something like a third of the volume. A selected bibliography is added at the end of the book.

The first section of the volume contains illuminating articles on recent developments in cooperative state action, interstate compacts, state-federal relations and state-local relations, contributed by Frank Bane, Chester E. Rightor, Joseph P. Harris and Clyde F. Snider. The second section has a summary of state constitutional changes by W. Brooke Graves, a discussion of the new Missouri constitution by Charlton F. Chute, ballot legislation by Spencer D. Albright and soldier voting by Leo Seybold. Other notable articles in subsequent sections are those written by Lloyd M. Short on state administrative

reorganization, T. G. Driscoll on the commissioner of administration in Minnesota, James M. Martin on tax administration and the control of expenditures, Roy G. Blakey on federal, state and local fiscal relations, M. L. Wilson on state-federal cooperation in agricultural extension programs, Thomas H. MacDonald on the postwar highway program, John Bauer on state utility regulation, and Rodney L. Mott on state judicial systems.

A. E. BUCK  
Institute of Public Administration

**Research in Public Administration.**  
By William Anderson and John M. Gaus. Chicago, Public Administration Service, 1945. xiv, 221 pp. \$3.

This volume is divided into two sections: Report of the Committee on Public Administration of the Social Science Research Council 1934-1945, by William Anderson, and Research in Public Administration, 1930-1945, by John M. Gaus.

Since its reorganization in 1934 with the aid of a grant from the Rockefeller Foundation, Dr. Anderson recalls in Part 1, the Committee on Public Administration has carried out and published five major research projects in addition to several minor ones. The five principal projects were: (1) The Administrative Aspects of the Social Security Program, National and State; (2) Survey and Appraisal of City Management under the Council-Manager Plan; (3) Survey of the Governmental Research Movement; (4) Public Administration and the United States Department of Agriculture; and (5) Survey of Education for Public Administration. Findings of these studies have been published for the committee by the Public Administration Service. Dr. Anderson describes the securing and organization of the materials making up the various studies, and makes

recommendations for a postwar research program.

Dr. Gaus reports (Part II) on the great expansion of government functions during the fifteen years covered by his report and its resulting confusion for the citizen. He points to what has been done during these years by way of research and the development of research organizations, including those of the universities, in the field of public administration. He notes the greatly increased volume of publications in the field and the increase in training for public service. His last chapter, *The Task Before Us*, suggests numerous problems which still need examination. He asks, in his final paragraphs: "Are the spectacular expansion of administration, the recruitment of so many young people from the universities, the outpouring of writings, the development of a professional administrative jargon, the widespread attacks on 'bureaucracy,' the shakings of the head over cockiness and arrogance matters worthy of our examination?" And answers: "I think so; our brethren in political science sometimes suggest that we are distorting the political science program in teaching and also in research. This is a part of the pathology that warrants our study. It is less lurid than corruption, yet it may be productive of unfavorable public reactions such as may be created out of trivialities enlarged or distorted by newspaper writers who as yet, with rare exceptions, have had no adequate education in the fundamental elements of modern administration. I think your committee, perhaps in affiliation with the officers of the American Society for Public Administration, might properly and profitably initiate an examination of the professional standards that should dominate researchers as well as practitioners in public administration."

**City Periodic Financial Reports.** By Louise H. Clickner. Washington, D. C., Department of Commerce, Bureau of the Census, 1946. 28 pp.

This bibliography includes a checklist of city financial documents in the collection of the Census Bureau's Municipal Reference Service for cities having populations over 25,000. It precedes a comprehensive list of city government documents planned for early publication by the Bureau.

## Additional Books and Pamphlets

### *Accounting*

**Accounting Manual for Small Cities of the State of Washington.** By Arthur N. Lorig. Seattle, Association of Washington Cities, 1945. xiv, 154 pp.

### *Administration*

**The Navy: A Study in Administration.** By Secretary James Forrestal, etc. Chicago 37, Public Administration Service, 1946. 64 pp. \$1.

### *Blighted Areas*

**Blighted.** By Miriam Roher. Sacramento 14, California State Reconstruction and Reemployment Commission, 1946. 32 pp.

### *Housing*

**Emergency Housing Study and Recommendations.** Springfield, Massachusetts, Future Springfield, Inc., 1946. 20 pp. charts.

### *Industrial Development*

**Outline for a Community Industrial Development Program.** Definite steps to follow in developing new, and expanding established, industries—factors that determine the economic location for industries and industry branches—a suggested organization for creating industrial development. By Arthur M. Field. Charleston, S. C., The American Industrial Development Council, 1946. 76 pp. Maps, charts. \$1.50.



### *Metropolitan Areas*

**Relations of Metropolitan Cities with Adjoining Municipalities.** By Percy Fewell. University Park, Texas, 1945. 14 pp. (Apply author.)

### *Municipal Government*

**Municipal Problems 1945.** Thirty-sixth Annual Proceedings of the Conference of Mayors and Other Municipal Officials of the State of New York. Albany, The Conference, 1945. 100 pp. \$1.25.

### *Planning*

**The Art of Building Cities.** City building according to its artistic fundamentals. By Camillo Sitte. Translated by Charles T. Stewart. New York, Reinhold Publishing Corporation, 1945. xi, 128 pp. illus. \$5.50.

**California Planning.** Based on Annual Reports of City and County Planning Commissions. By Ellsworth W. Scammon. Sacramento 14, California State Reconstruction and Reemployment Commission, 1946. 65 pp.

**19th and 20th Century Proposals for Ideal Cities:** A Selected List of References. By Katherine McNamara. Cambridge, Harvard University, Library of Departments of Landscape Architecture and Regional Planning, 1945. 4 pp.

### *Public Health*

**Challenge to Community Action.** Washington, D. C., Federal Security Agency, Office of Community War Services, Social Protection Division, 1945. vii, 76 pp.

### *Retirement Systems*

**Brief Presented to the Joint Legislative Interim Committee on Pension and Retirement Plans Relative to the Pension Systems for Policemen and Firemen Established by Sections 62.13 (9) and (10) and 61.65.** Brief Presented to the Joint Legislative Interim Committee on Pension and Retirement Plans Relative to the Wisconsin Mu-

nicipal Retirement Fund Created by Section 66.90. Submitted by League of Wisconsin Municipalities. Madison 3, The League, 1946. 15 and 9 pp. respectively.

**A Retirement System for Farmers.** By Murray R. Benedict. Washington 6, D. C., National Planning Association, 1946. viii, 43 pp. 25 cents.

### *Taxation and Finance*

**Incentive Tax Plan of 1946.** Speech of Hon. Herman P. Eberharter of Pennsylvania in the U. S. House of Representatives. Washington, D. C., United States Government Printing Office, 1945. 6 pp.

**Oklahoma Sales Tax Including Operations of the Use and Music Box Tax.** Statistical Report for the Fiscal Year Ending June 30, 1944. Oklahoma City, Oklahoma Tax Commission, 1945. Various pages.

**State Tax Collections in 1944.** (Final) Washington, D. C., Department of Commerce, Bureau of the Census, 1946. 46 pp.

**A Tax Program for a Solvent America.** By The Committee on Post-war Tax Policy. New York, The Committee, 1945. 48 pp.

**Trends in Municipal Finance in the Post-War Period.** Address before the Municipal Forum of New York. By Carl H. Chatters. New York, The Forum, 1945. 12 pp. 50 cents.

### *Traffic Safety*

**Traffic Accident Prevention Through Motor Vehicle Inspection.** Washington, D. C., American Association of Motor Vehicle Administrators, and New York, National Conservation Bureau, 1945. 26 pp.

**Uniform Vehicle Code.** Act I—Uniform Motor-Vehicle Administration, Registration, Certificate of Title and Anti-theft Act; Act II—Uniform Motor-Vehicle Operators' and Chauffeurs' License Act; Act III—Uniform Motor-



Vehicle Civil Liability Act; Act IV—Uniform Motor-Vehicle Safety Responsibility Act; Act V—Uniform Act Regulating Traffic on Highways. By Federal Works Agency, Public Roads Administration. Washington, D. C., Government Printing Office, 1945. 26, 13, 6, 16 and 54 pp. respectively.

#### **Veterans**

**12 Million Opportunities.** Get Ready for Your Share. New York 17, Crowell-Collier Publishing Company, 1945. 32 pp. 10 cents.

**Veterans' Information Centers.** A Survey of Their Operation and Services. By John K. Gurwell. Chicago 37, Public Administration Service, 1945. 53 pp. \$1.50.

#### **War Memorials**

**Commemoration Through Community Services.** Trends in Living Memorials. By Anne Holliday Webb. New York 16, The American City Magazine, 1945. 36 pp. illus. \$1.

### **TAXATION AND FINANCE**

(Continued from page 149)

been tentatively scheduled to start construction during the three years 1946-48. Of this amount, \$577,000,000 is tentatively scheduled for 1946, and the remaining \$546,000,000 for 1947-48.

California local governments account for \$552,000,000 of the three-year total, and as of the end of 1945 were reported to have funds available for the purpose

amounting to \$265,000,000. The local total of funds available included \$130,000,000 for projects scheduled by California cities, \$78,000,000 for county projects, and \$39,000,000 for school district projects.

In addition to local projects, there was proposed construction by the state estimated to cost \$295,740,000 and by federal agencies (for flood control and irrigation works) estimated to cost \$275,767,000.

Considering the \$1,100,000,000 estimated total, flood control and irrigation projects led all others with an estimated cost of \$354,000,000. Next in order were highway, road and street projects, sewage and drain projects, and schools and educational facilities. While approximately half the three-year total was scheduled to be started in 1946, the commission expresses doubt that this will be possible because of shortages of material, equipment and skilled labor.

### **Borrowing Costs Lower**

The *Daily Bond Buyer's* index of municipal bond yields—now prepared on a weekly basis—reached a new low January 31, which was repeated February 7. The index for twenty representative bonds for the two dates was 1.31 per cent. On January 3 the index stood at 1.42 per cent. During 1945 the low had been 1.35 per cent (May 1) and the high 1.72 per cent (October 1).